



WEB COPY



W.P.No.8544 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8544 of 2021
and
W.M.P.No.9110 of 2021

S.Easwari

...Petitioner

-Vs-

1. The Tamil Nadu Electricity Board,
Rep. by its Chairman,
NPKRR Maaligai,
144 Anna Salai,
Chennai – 600 002.
2. The Tamil Nadu Transmission Corporation Limited,
(TANTRANSCO)
Rep. by its Superintending Engineer,
General Construction Circle I
TANTRANSCO-4th Floor,
Guindy,
Chennai – 600 032.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to remove the wall blocking the access to the petitioner's property in R.S.No.85/2A2 Mathur Village, Tiruvottriyur Taluk.



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For Petitioner : Mr.D.Sathya
For Respondents : Mr.D.R.Arun Kumar
Standing Counsel
ORDER

This Writ Petition has been filed for direction directing the respondents herein to remove the wall blocking the access to the petitioner's property in R.S.No.85/2A2 Mathur Village, Tiruvottriyur Taluk.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner's husband purchased a plot comprised in R.S.No.85/2A2, Mathur Village, Tiruvottriyur Taluk, by way of a registered sale deed. Thereafter, he had passed away on 28.04.2020 leaving behind the petitioner and others as his legal heirs. The only access to the said property is through a public road on the east side of the said property, which starts from Mathur Main Road, abuts the southern boundary to the said property.

4. While being so, the respondents had acquired the properties



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located in and around the subject property and started construction of a compound wall, thereby blocking the access to the subject property. Therefore, the petitioner submitted a representation to acquire the subject property or to provide access to reach the subject property.

5. A perusal of the counter filed by the respondents revealed that admittedly, the respondents had acquired all the lands located in and around the subject property for construction of 230/110KV SS. The petitioner's plot is ad-measuring 1940 sq.ft. However, the respondents planned to propose a construction of substation in the said area and the entire proposal of construction have been now stalled. Therefore, leaving a path to the petitioner to access Madhavaram High Road is not feasible and it is essential to acquire the above piece of land which can be used for formation of the substation. That apart, the petitioner has no pathway right in the land which was acquired by the respondents. Already, the respondents had addressed the request made by the petitioner to the District Collector requesting to acquire the land belongs to the petitioner by the communication dated 28.07.2021 and 30.06.2021. The said



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request is pending on the file of the District Collector, Chennai.

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6. In view of the above, the District Collector, Chennai is directed to act on the communication of the respondents vide Lr.No.SE/GCC-I/CNI/AEE/GL/F.Mathur/D.849/21 dated 28.07.2021 and Lr.No.EE/765KV/CNI/F.Mathur/D.38/21, dated 30.06.2021 to acquire the petitioner's property comprised in R.S.No.85/2A2, Mathur Village, Tiruvottriyur Taluk, ad-measuring 1940 sq.ft, within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

18.04.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
mn



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To
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1. The Chairman,
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2. The Superintending Engineer,
The Tamil Nadu Transmission Corporation Limited,
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Copy to

The District Collector,
Chennai.



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G.K.ILANTHIRAIYAN. J.

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