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W.P.No.9004 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM:

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

W.P.No.9004 of 2022
and
W.M.P.No.8809 of 2022

S.Kumar

...Petitioner

-Vs-

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
Anna Salai,
Chennai.
2. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
K.K.Nagar,
Chennai.
3. The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Kadaperai,
Chennai.
4. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation limited.,
Keezhkattali,
Chennai.



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5. The District Collector,
Chengalpattu.

6. The District Revenue Officer,
Kancheepuram.
(R5 & R6 Suo Moto impleaded vide
order dated 12.04.2022 made in
W.P.No.9004 of 2022)

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondent No.1 to 4 and his officials from doing electricity substation works or erecting transformer at the petitioner property S.No.297/1, 297/8 situated at Keezhkattalai, Madipakkam – 2, Chennai.

For Petitioner : Mr.P.Dinesh Kumar
for K.Myilsamy

For R1 to R4 : Mr.L.Jai Venkatesh

For R5 & R6 : Mr.S.J.Mohamed Sathik
Government Advocate

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, forbearing the respondent No.1 to 4 and his officials from doing electricity substation works or erecting transformer at the petitioner property S.No.297/1, 297/8 situated at Keezhkattalai, Madipakkam – 2,



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

3. The vacant land ad-measuring 72 cents comprised in S.No.297/1, 297/8 situated at Keezhkattalai, Madipakkam-2, Chennai originally belongs to one Murugesha Naicker in Patta No.881. He died intestate leaving behind five daughters as legal heirs to succeed his estate. The petitioner is the son of one of the daughters of the deceased Murugesha Naicker. All the legal heirs had executed a Power of Attorney in favour of the petitioner, thereby empowered him to live in the subject property.

4. While being so, the second and third respondents attempted to erect electricity transformer in the subject property without acquisition in accordance with law. Therefore, the petitioner submitted a representation dated 22.08.2014. On receipt of the same, the petitioner was



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communicated with a communication dated 17.09.2014 stating that there is no work in progress to erect any electricity transformer and no electricity transformer would be erected in the subject property. Thereafter, once again the respondents 2 and 3 attempted to erect transformer in the subject property. Therefore, the petitioner submitted a representation.

5. A perusal of the counter filed by the second respondent and the submissions made by the learned counsel for the respondents 1 to 4 revealed that the Pallavaram Municipality had passed a resolution in Resolution No.217 in its meeting held on 31.08.2012 and the grievance of the general public was considered with regard to low voltage experienced by them. Accordingly, it was resolved to allocate a piece of land measuring 1115 sq.meter of land in S.No.297/8, which was classified as “Anadeenam land” in the revenue records for the purpose of establishment of 33/11 KV sub-station to alleviate the sufferings of the general public and in public interest.



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6. Accordingly, the fifth respondent was communicated by the then Commissioner/Pallavaram Municipality, in Na.Ka.No.7453/2012/F dated 14.09.2012, thereby recommended to accord Enter Upon Permission to the TANGEDCO to establish a sub-station in the land ad-measuring 1115 sq.meter of land in Old S.No.297/8, Town Survey No.4, Block No.5, Ward-H, Keelkattalai Village, in public interest. Thereafter, the sixth respondent, by its communication dated 02.12.2020, published a general advertisement to the general public with regard to declaration of classification of the said property as Anadeenam and proposed to be transferred to the Tamil Nadu Electricity Board for raising objections. If no objections have been received, a proposal will be submitted to the Government for transferring the ownership of the land. The said proposal was communicated to the fifth respondent and sought for the concurrence of the Director of Survey and Land Records, Chepauk, Chennai.

7. The fifth respondent by its proceedings dated 22.02.2021 upon determining the land value as per market rate as Rs.3,00,19,950/- has



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accorded Enter Upon Permission with the usual conditions stipulated therein. Pursuant to the said Enter Upon Permission, the respondents 1 to 4 had taken steps to erect the transformer to establish the sub-station. As per the approved permission, tender was called for to carry out the work of establishment of 33/11 KV sub-station. Thereafter, the contract was awarded to a contractor to establish the sub-station. Now, the work is in progress. Therefore, the petitioner cannot have any objections to prevent the respondents 1 to 4 from erecting the sub-station in the subject property.

8. In view of the above, this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

08.04.2024

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