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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.07.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.17133 of 2024
& WMP.No.18906 of 2024

Nallathal

... Petitioner

Vs

- 1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
10th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO, 2nd Floor, Eastern Wing,
Chennai – 600 002.
- 3.The Superintending Engineer,
Non-Conventional Energy Sources,
TANGEDCO, Koluman Road,
Udaumalpet-642126,
Tiruppur District.
- 4.The District Collector,
Tiruppur District.
- 5.The Executive Officer,
Gram Panchayat,
Eerasniampalayam,
Dharapuram Taluk,
Tiruppur District.
- 6.The General Manager,
K.S.Infrastructure,



#40, Visalakshi Street,
Aiswaryas Garden,
Goparasanallur,
Poonamallee,
Chennai District.

7.The General Manager,
TATA Power Varthamana Suriya Limited,
C/o The Tata Power Co, Ltd Corp Center-34,
Sant Tukaram Road,
Mumbai City – 400009.

.... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1 to 5 respondents forbearing the 6th & 7th respondent from erecting poles to draw 230 KV Low Tension wire over the Petitioner Patta lands situated at Eerasinampalayam Village, Dharapuram Taluk, Tiruppur District for the Survey No.169/3L1 without giving any notice or seeking consent from the petitioner for such usage of petitioner patta lands.

For Petitioner : Mr.M.Arun
for M/s.Karan and Uday

For Respondents : Ms.Meenakshi (R1 to R3)
for Mr.D.R.Arunkumar
Mr.P.Harish (R4 & R5)
Government Advocate

ORDER

Ms.Meenakshi, learned counsel on behalf of Mr.D.R.Arun Kumar, learned counsel accepts notice for R1 to R3, Mr.P.Harish, learned Government Advocate accepts notice for R4 and R5. They are armed with sufficient instructions to enable a final disposal of this Writ Petition, even at the stage of admission. No notice is thought necessary to the private respondents, arrayed as R6 and R7, at this



juncture, since their interests have been duly taken note of and protected by virtue of this order.

2. The petitioner seeks a mandamus directing the official respondents to forbear the private respondents from erecting poles to draw 230 KV Low Tension wire over the lands at S.No.169/3 L1, Eerasinampalayam Village, Dharapuram Taluk, Tiruppur District ('property'/'property in question'), without following due process of law.

3. The petitioner has, in the writ affidavit, sets out various factual assertions in regard to how he draws title to the property in question and makes allegations against the private respondents who he states have illegally entered the property in question and are proceeding to take survey and dig pits for erection of poles to draw electric cables. He is aggrieved by the aforesaid action of the respondents.

4. In this regard, the petitioner claims to have made a detailed representation on 12.06.2024 before R4, being the District Collector, Tirupur District. However, no proof of receipt has been placed on file. Hence and to protect the interests of all parties, the following directions are issued.

i) The petitioner will appear before R4 on 10.07.2024 at 12.00 noon without awaiting any notice in this regard, along with a copy of his representation dated 12.06.2024 as well as a copy of this order.

ii) R4 is directed to issue notice to the petitioner and to the private respondents as well as to any others, who may thought necessary for the adjudication of the representation.



iii) R4 will hear all the parties, including the official respondents, if thought necessary, and dispose representation dated 12.06.2024 in accordance with law and all applicable Rules and Regulations within a period of twelve (12) weeks from today.

iv) Since the petitioner states that the work is on-going, it is for R4 to ensure that necessary directions are issued to protect the interests of all parties concerned.

5. This Writ Petition is disposed in the aforesaid terms. No costs. Connected Miscellaneous Petition is closed.

01.07.2024

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Index : Yes / No

Speaking Order: Yes

Neutral Citation: Yes

To

1. The Chairman/Managing Director,
TANGEDCO, Anna Salai, Chennai – 2.
2. The Chief Engineer (North),
TANGEDCO, Vellore.
3. The Superintending Engineer,
Krishnagiri, Kattaiganapally,
TNHB Phase II, Krishnagiri TK & DT, Pin Code – 635001.
4. The Executive Engineer,
Krishnagiri, Kattiganapally,
HIG – 64, Phase – II, New Housing Board,
Krishnagiri – 635001.
5. The Assistant Executive Engineer (South),
Hosur Royakottai Road, Hosur – 635109.



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Dr.ANITA SUMANTH,J.

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