



WEB COPY

W.P.No.20662 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.07.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.20662 of 2024
& WMP.Nos.22594 and 22595 of 2024

M/s.Keyaram Developers and Hotels Pvt Ltd.,
Represented by its Director, Ms.K.Ramamirtham,
No.2, Harrington Road,
Chennai – 600 034.

.... Petitioner

Vs

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd., (TANGEDCO)
NPKRR Maaligai,
144, Annasalai,
Chennai – 600 002.

2.Superintending Engineer,
Tamil Nadu Transmission Corporation Ltd., (TANTRANSCO)
General Construction Circle-II,
Alandur,
Chennai – 600 016.

3.Executive Engineer,
Water Resource Department,
Thiruvallur.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records of the



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2nd respondent in his impugned proceedings in Lr.No.SE/GCC-II/CNI/AEE/GL/F.DCW/D.No.s1155/23, dated 30.08.2023 and to quash the same and forbearing the Respondents from laying High Tension line across the Petitioners' property situated at Survey Nos.324/2A, 347/3 and 324/2B, measuring a total extent of 1 acre and 84.5 cents, in Thiruneermalai Main Road, Thirumudivakkam Village, Sriperumbudur Taluk, Kancheepuram District without conducting any enquiry.

For Petitioner : M/s.S.Sundaresan

For Respondent : Mr.J.Aravind (R1 and R2)
for Mr.DR.Arunkumar
Mr.Vadivelu Deenadayalan (R3)

ORDER

The petitioner is a company and claims to be the owner of properties at S.Nos. 324/2A, 347/3 and 324/2B in Thiruneermalai Main Road, Thirumudivakkam Village, Sriperumbudur Taluk, Kancheepuram District ('properties'/'properties in question'). In toto, the properties in question are stated to be ad measuring an acre and 84.5 cents.

2. According to the petitioner, the properties are situated adjacent to Adyar river along side the Chembarambakkam canal. There are high tension transmission wires running over the banks of the Adyar river from North to South. The petitioner is aggrieved by the present work for expansion of the Chembarambakkam canal's North portion, for widening of the same in order to dispatch the water that is overflowing from the Adyar river from North to



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South, leading to changes that are contemplated in the route of the transmission lines. According to the petitioner, this change would result in those lines passing though the petitioner's properties.

3. The petitioner had made a representation on 05.07.2023 stating that the shifting of the lines must not intrude into the petitioner's property as that would hamper its worth. Since that representation was not disposed, a Writ Petition in W.P.No.21391 of 2023 has been filed seeking such disposal.

4. Based on order dated 19.07.2023 passed in that Writ Petition, impugned order dated 30.08.2023 has come to be passed by R2, reading as follows:

Accordingly, the following are herewith intimated with respect your representation,

1. The widening of Adyar river from Chembarambakkam surplus course confluence point to anakaputhur Bridge in Kundrathur Taluk has been sanctioned vide G.O.(2D) No.9, Water Resources (.2) Dept, dt. 19.04.2022.

2. Since the 9 Nos. of towers (Kadaperi-Porur 230 kv feeder) are situated in the river widening portion, Executive Engineer/Water Resource Department, Kosasthalaiyar Basin Division, Thiruvallur has requested the estimate cost for re-routing the said 230kv line away from newly formed river boundary vide his Lr.No.DB/JDO.2/F.9/2022/299M/Dated 25.04.2022 so as to deposit the said amount to TANTRANSCO to carryout the widening of river after completion of re-routing of said 230kv line.

3. Accordingly the said estimate has been prepared and got sanctioned vide Memo.No.CE/SO/CNI/EEC(NI)/F.DCW(KDP-Porur) (WRD)/D.1016/22, dt.04.08.22 and advise slip Issued to



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WRD for payment vide [Lr.No.SE/O/CHNS/AEE/T/AE/T/F.DCW](#) (Adyar Widening)/D.357/21-22, Dt.05.08.2022 with following conditions,

(i) If the proposed tower location falls outside the applicants premises or in other parties area, necessary NOC should be obtained by Water Resources Department at their own cost before commencement of work.

(ii) Right of way issues are to be resolved by the Water Resources Department only duly paying eligible compensations at their own cost, as per rules in force.

(iii) It is the responsibility of the Water Resources Department to provide way leave arrangement to reach the tower locations inside the premises at any time during emergencies.'

5. On 24.07.2024, after hearing the parties, the following order was passed:

Mr.J.Aravind, learned counsel appearing on behalf of Mr.DR.Arunkumar, learned counsel accepts notice for R1 and R2 and Mr.Vadivelu Deenadayalan, learned counsel accepts notice for R3.

2.Mr.Aravind would circulate written instructions dated 24.07.2024 in Lr.No.EE/TLC/GCC-II/CNI/AEE/TLC/F. Court case /D.76/24. stating that one tower foundation has already been laid down in the Public Works Department land adjacent to the petitioner's land and there has been no disturbance to the petitioner's land so far.

3.However, the photographs submitted by the learned counsel for the petitioner are to the effect that the white poles on the left side of the photograph are the boundary to the petitioner's land. The portion of land dug out appears prima facie to extend into the petitioner's land as well. Hence, an affidavit would have to be filed by the respondents explaining the photograph and confirming that there has been no encroachment into the petitioner's land.



4. That apart, learned counsel for the petitioner would submit that the barbed wire on the fence has been removed to accommodate the tower which falls on to the petitioner's land. The picture thus, prima facie supports this position.

5. List on 29.07.2024 at the end of admission list.

6. Status quo as of today, shall be maintained till then.

6. In the counter filed by the Superintending Engineer, Tantransco/R2, at paragraph 2, it is stated as follows:

2. I submit that the existing said transmission towers will cause hindrance to the proposed execution of widening of river, the deviation of the said transmission line scheme has become essential to be carried out to safeguard the tower from monsoon flood. Accordingly, the deviation estimate has been prepared and got sanctioned vide Memo. No.CE/SO/CNI/EEC(CNI)/F.DCW (KDP-Porur) (WRD)/D. 1016/22, dated 02.08.22 and Memo No. CE/SO/CNI/EEC(NI)/F. DCW(KDP-Porur) WRD2/ D.773/23, dated 16.06.2023 and route map for revised route has been approved vide Letter No.013690/CE/TR/SE/ TR-I/EE/TSM/AEE/F.Route Map/2023-24, dated 25.01.2023 and Letter No.2754/CE/TR/SE/TR-I/EE/TSM/AEE/F.Route Map/ 2024- 25, dated 20.04.2024 by considering techno economic feasibility. I further submit that no new line will be erected over the Petitioner's land towards carrying this transmission line deviation work.

7. A status report has also been filed today by R3, wherein, at paragraph 7, they state as follows:

'7. I respectfully submitted that, during Joint Inspection with TANTRANSCO it was ascertained by TANTRANSCO that the alignment of transmission tower and its wire will lie within the premises of the Water resources Department land. During execution if it falls outside the Water Resources Department land, the necessary estimate will be prepared by TANTRANSCO. After receiving the necessary estimate and advice slip Water Resources Department will intimate the same to the concerned land owners



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Dr.ANITA SUMANTH,J.

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