



WEB COPY



W.P.No.33726 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.33726 of 2024

and

WMP.No.36522 of 2024

Sri Varadharaja Swamy Sannidhi,
rep. by its Heritage Trustee C.Devanadane
S/o Codandabany,
No.244, Cuddalore Road,
Mudaliarpeth, Puducherry 605 004.

...Petitioner

Vs.

1. The District Collector,
Government of Puducherry,
Vazhudvur Road, Puducherry 605 009.
2. The Sub Collector (Revenue)
South cum Land Acquisition Officer,
Office of the Sub/Deputy Collector,
Villiyannur, Puducherry 605 110.
3. The Superintending Engineer - cum - HOD
Electricity Department,
Puducherry - 605 001.
4. The Superintending Engineer,
O&M/PR, Electricity Department,
Government of Puducherry,
Puducherry 605 001.
5. The Executive Engineer (High Tension Division)
Electricity Department,
Government of Puducherry,
Puducherry 605 001.



W.P.No.33726 of 2024

6. The Deputy General Manager /
Technical & Project Director,
National Highways Authority of India
(Ministry of Road Transport & Highways)
office of the Project Director,
PIU, No.28 & 29, 1st cross, Ganapathi Nagar,
Arumparthapuram, Puducherry 605 110.
7. The Tahsildar (NHAI) Office of SCRS,
Villiyannur, Puducherry 605 110.
8. Ms.Sita Lakshmi
9. The Inspector of Police,
Bahour Police Station,
Puducherry.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 7 herein from proceeding with their proposal to erect Towers / Pillars for carrying high tension power line over the petitioner's agricultural land comprised in new survey no.287/1A situate in Cadasar Nos.56, 57 of Bahour Village, Bahour Commune Panchayat, Puducheery, without considering the objections of the petitioner temple and without following the due process of Law as contemplated under Section 10 and 16 of the India Telegraph Act, 1885.

For Petitioner	: Mr.D.Rajagopal
For R1 to R5 & R7 to R9	: Mr.V.Vasanthakumar Additional Government Pleader (Pondy)
For R6	: Mrs.S.R.Sumathy Standing Counsel



W.P.No.33726 of 2024

WEB COPY

ORDER

This writ petition is filed seeking issue of writ of Mandamus, forbearing the respondents 1 to 7 from proceeding with their proposal to erect Towers / Pillars for carrying high tension power line over the petitioner's agricultural land in survey no.287/1A situate in Cadasar Nos.56, 57 of Bahour Village, Bahour Commune Panchayat, Puducheery, without considering the objections of the petitioner temple and without following the due process of Law as contemplated under Section 10 and 16 of the India Telegraph Act, 1885.

2. It is the case of the petitioner that the above mentioned property belongs to the petitioner temple and the respondents are making an attempt to enter the property and erect Towers / Pillars for carrying high tension power wire through it's agricultural land in survey no.287/1A.

3. When the writ petition came up for hearing on 08.11.2024, the learned Government Advocate (Pondy) who takes notice for the respondents 1 to 5 and 7, submitted that the objections raised by the petitioner would be



W.P.No.33726 of 2024

forwarded to the District Collector / District Magistrate for consideration and till the objections of the petitioner are considered and final order is passed by the District Magistrate, the petitioner's possession will not be disturbed.

4. Today, when the matter is taken up for hearing, the learned Government Advocate appearing for the respondents 1 to 5, 7 and 9 would submit that already notice was issued by the first respondent to the petitioner to consider his objections and enquiry is scheduled to be held on 02.12.2024.

5. In view of the same, even though the objections raised by the petitioner are already before the competent authority viz., the first respondent, the petitioner is again directed to submit objections before the first respondent during enquiry on 02.12.2024. The first respondent shall consider the same and pass orders on its own merits, within a period of two weeks from the date of enquiry. Till final orders are passed by the District Magistrate, the respondents shall not interfere with the petitioner's possession.



W.P.No.33726 of 2024

WEB COPY

6. With the above direction, this Writ Petition is disposed of. No

costs. Consequently, connected miscellaneous petition is closed.

26.11.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order
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To

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WEB COPY



W.P.No.33726 of 2024

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W.P No.33726 of 2024

26.11.2024