



W.A.(MD).No.966 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).No.966 of 2024
and
C.M.P.(MD)Nos.6964 and 7574 of 2024**

P.Meenakshi Sundaram

... Appellant

-VS-

- 1.The Superintending Engineer,
TANGEDCO,
Manarpuram,
Trichy.
- 2.The Superintending Engineer,
TANGEDCO (Distribution),
Karur.
- 3.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation Ltd.,
Trichy.
- 4.The Chief Engineer,
Transmission,
Tamil Nadu Transmission Corporation Ltd.,
Manarpuram,
Trichy.
- 5.The Superintending Engineer,
Operation/TANTRANSCO,
Trichirappalli – 620 001.



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6.The Assistant Executive Engineer,
Lines/230kv Sub Station,
Tamil Nadu Electricity Board,
Pugalur - 639136.

7.R.A.Kamaraj

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.29788 of 2023, dated 30.04.2024.

For Appellant : Mr.R.Murali

For Respondents 1 to 6 : Mr.S.Deena Dhayalan
Standing Counsel

For 7th Respondent : Mr.V.Raghava Chari, Senior Counsel
For Mr.V.Sukumar

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Mr.S.Deena Dhayalan, learned Standing Counsel takes notice for the respondents 1 to 6 and Mr.V.Raghava Chari, learned Senior Counsel for Mr.V.Sukumar, learned counsel takes notice for the 7th respondent.

2.Challenge in the Writ Appeal is to the order of the learned Single Judge, dismissing the Writ Petition filed by the appellant, seeking Writ of Mandamus, forbearing the respondents from installing and drawing high tension tower line in Survey No.2237 of Andankovil East Village, Karur Taluk, adjacent to the petitioner property comprised in Survey Nos.2240 and 2241 of Pari Nagar, Andankovil East Village, Karur Taluk.



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3.The 7th respondent in the Writ Petition, who is the owner of the adjacent land, wherein a high tension tower was situated in the middle of it, sought for relocation of tower under DCW (Depositor Contribution Work) Scheme. The authorities acceded to his request and agreed to relocate the tower, so that the power line that was running across the land of the 7th respondent was taken, on one side of it. This would also be beneficial to the writ petitioner in as much as the line, which presently goes across his house would go on the north-west corner of the property.

4.The grievance of the petitioner was that the new towers that are proposed, are being erected very close to his compound wall, which would affect his enjoyment of the property. Reliance is placed on Clause 3 of Regulation 67 of the Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2023. The said Clause reads as follows:-

“No cutting of soil within ten metres from the tower structure of 110 kV and above voltage level shall be permitted without written permission of the owner of tower structure.”

5.The learned Single Judge had rejected the contention and concluded that the tower will not be located on the petitioner's land and the arms will not come over the petitioner's land. It is also undertaken by



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the TANGEDCO that the overhead lines will not be drawn across the petitioner's land. In view of the above statements made by the learned counsel for the TANGEDCO, the learned Single Judge found that the objection for re-location of the tower is unsustainable and disposed of the Writ Petition recording the stand of the respondents.

6.We have heard Mr.R.Murali, learned counsel for the appellant, Mr.Deena Dayalan, learned Standing counsel for the respondents 1 to 6 and Mr.V.Ragavachari, learned Senior Counsel for the 7th respondent.

7.Mr.R.Murali, learned counsel appearing for the appellant would contend that the location of the tower very near his compound wall, would affect his right to enjoy the property, in as much as he cannot carry out any work in his land. The said contention is based on a 'wrong understanding' of Clause 3 of Regulation 67. What Clause 3 of Regulation 67 prohibits is cutting of soil, which means removal of soil in large quantities which will endanger the property, that is normal enjoyment of the property will not be affected, merely because the tower is situated near the compound wall. Moreover, the power lines will be drawn at the height of 5.92 metres from the ground level, which will be well over the existing buildings in the appellant's property. Moreover, as observed by the learned Single Judge, the line is not going to be drawn across his house or across his property. The realignment is actually beneficial to the appellant.



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8. Moreover, Section 16 of the Telegraph Act, 1885, invests the power in the licensee to erect poles and draw lines for the purpose of distribution of electricity. We are therefore unable to fault the learned Single Judge for having disposed of the Writ Petition, observing that the petitioner will not be prejudiced by the change in the alignment.

9. The Writ Appeal fails and accordingly, dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

28.08.2024

NCC :Yes/No
Index :Yes/No
Internet: Yes
Mrn/Sml



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WEB COPY

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