



W.P(MD)No.21017 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.21017 of 2024

and

W.M.P.(MD)No.17800 of 2024

Sangeetha

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Tahsildar,
Theni Taluk, Theni District.

3.The Deputy Tahsildar,
Theni Taluk, Theni District.

4.The Executive Engineer,
High Voltage Tower Line Construction,
TANGEDCO, Madurai.

5.The Assistant Executive Engineer,
Tower Line Construction,
General Construction Circle,
TANGEDCO, Theni Electric Sub Station Campus,
Theni.

6.Eurus Helies Energy Infro (Pvt) Limited,
Rep. by Authorized Signatory,
A.Pradeep

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 to 5 herein from allowing the 6th respondent from putting up Wind Mill in Jangalpatti Village, Theni Taluk, Theni District in any manner affecting the possession and enjoyment of the petitioner's patta land vide patta No.3489 in Survey No.274/3A2B, Janagalpatti Village, Theni Taluk, Theni District as per the representation of the petitioner dated 26.06.2024.

For Petitioner : Mr.B.Fazilkirmani
For R1 to R3 : Mr.A.Kannan,
Additional Government Pleader
For R4 & R5 : Mr.S.Deenadhayalan,
Standing Counsel
For R6 : Mr.C.Venkatesh Kumar,
for M/s.Ajmal Associates

ORDER

This Writ Petition has been filed forbearing the respondents 1 to 5 from allowing the 6th respondent from putting up Wind Mill in Jangalpatti Village, Theni Taluk, Theni District in any manner affecting the possession and enjoyment of the petitioner's patta land vide patta No.3489 in Survey No.274/3A2B, Janagalpatti Village, Theni Taluk, Theni District as per the representation of the petitioner dated 26.06.2024.



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2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.It is the case of the writ petitioner that she is the absolute owner of the land in question. She has applied for construction of petrol bunk in the land in question. Whereas, the 6th respondent, who is the owner of the adjacent land, is trying to set up a wind mill in his land and attempting to put the high tension wire over the petitioner's patta land. Hence, the petitioner filed this Writ Petition.

4.The learned counsel appearing for the petitioner would submit that the petitioner has already applied for construction of petrol bunk and deposited a sum of Rs.10 lakhs fees to the concerned oil company. At this stage, if high tension wire is permitted over the petitioner's land, it will have a serious impact. In fact, it will take away the constitutional right of the petitioner.

5.Considering the facts and circumstances of the case, this Court is of the view that as far as the erection of high tension wire is concerned, the Indian Telegraph Act, 1885 will cover the same. Therefore, the petitioner is directed



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to make necessary representation before the 1st respondent / District Collector in this regard. On receipt of the same, the 1st respondent is directed to decide the issue in accordance with law and pass appropriate order in this regard, taking into consideration of the right of the petitioner also. While passing such order, the 1st respondent shall also provide necessary opportunity to the 6th respondent. If the 1st respondent is of the view that the line can be taken in an alternative path, the same also may be considered on his discretion.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

1. The District Collector,
Theni District.
2. The Tahsildar,
Theni Taluk, Theni District.
3. The Deputy Tahsildar,
Theni Taluk, Theni District.



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N.SATHISH KUMAR, J

Yuva

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