



Writ Petition No.4583 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.4583 of 2023

and

W.M.P.Nos.4589 & 4590 of 2023 & 26072 of 2025

N.Rajagopalan
S/o.Nanjunda Gowder

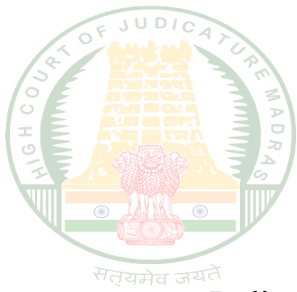
Petitioner

Vs

1. The Secretary to the Government
Energy Department,
Fort St. George, Chennai- 600 009.
- 2.The Chairman Cum Managing Director,
TANGEDCO,
No.144, Anna Salai, Chennai- 600 002.
- 3.The Chief Engineer,
TANGEDCO,
5th floor, East Wing,
No.144, Anna Salai, Chennai- 600 002.
- 4.The District Collector,
Nilgiris District, Ooty, The Niligiris.
- 5.The Thasildar
Kundha Taluk, Manjur, The Niligiris.

6.H.Sivakumar

Respondent(s)



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent in his letter No.த.பொ/மே.பொ/பு(மி)/செ.பொ/பொது/உசெ.பொ2/குந்தா/அ எண்.233 and quash the order dated 06.10.2021 and consequently direct the respondents 2 and 3 to permit the entry of private and public vehicles through the public road in survey No.1028, Balakola- II Village.

For Petitioner : Mr.R.Sivakumar

For Respondents : Mr.J.Ravindran,
Additional Advocate General
assisted by Mr.E.Vijay Anand,
Additional Government Pleader
[R1, R4 & R5]
Mr.K.Arun Prasad [R2 & R3]
Mr.V.Rajesh [R6]

ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent dated 06.10.2021 and for a consequential direction to the respondents 2 and 3 to permit the private and public vehicles through the public road in Survey No.1028, Balakola- II Village.

2. The case of the petitioner is that he is a small tea grower and



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he has purchased a small piece of land, which is a tea garden. Apart from the petitioner, there are thirty other small tea growers, who also do tea cultivation. They supply tea leaf to Kaikatty Industrial Co-operative Tea Factory, which is around 6 kms. from the tea garden. Due to lack of transport facilities, the petitioner and others are forced to carry the plucked green tea leaf to the nearby tea factory by head load. The petitioner and others were in dire need of motorable road and the approach road either runs through a private tea estate owned by the sixth respondent or the public road available in Survey No.1028. The sixth respondent has started restraining the usage of their property as the approach road. Therefore, the petitioner and others wanted to use the public road. However, they are not allowed to ply any vehicles in this public road. It is under these circumstances, a representation was made and on receipt of the same, the third respondent issued the impugned proceedings dated 06.10.2021. In the impugned proceedings, it has been stated that persons will be allowed to use the public road only by foot and considering security reasons, the vehicles are not allowed to ply in this public road, which is very adjacent to the power generation plant.

3. The third respondent has filed a counter affidavit. The third



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respondent has stated that the petitioner and others were always permitted to cross the mud road. Earlier, they used to have access through the mud road that passes through the patta land of the sixth respondent. Later, the petitioner and others were permitted to use the public road adjacent to the power generation plant. It is stated that for safety purposes of the Kundah Forebay Dam, the gates are kept locked based on the recommendation made by the Intelligence Bureau in order to avert anti-social elements. Therefore, the road which is available cannot be permitted for usage of vehicles and security personnel have been posted round the clock to safeguard the dam and the power generation plant. The persons belonging to Thangadu Thottam Colony are permitted to use the pathway from 6.00 a.m. to 6.00 p.m. and during this time, both the gates are open for public access. In view of the same, the third respondent has justified the impugned proceedings dated 06.10.2021 and has sought for dismissal of the writ petition.

4. The sixth respondent has also filed a counter affidavit and had also taken a stand that the petitioner and others cannot, as a matter of right, be allowed to have access through the private road belonging to the sixth respondent and therefore, when an alternative road is available for



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them, the sixth respondent has refused to permit the petitioner and others to have access through the patta land of the sixth respondent. Hence, the sixth respondent has also sought for the dismissal of the present writ petition.

5. Heard Mr.R.Sivakumar, learned counsel for petitioner, Mr.J.Ravindran, learned Additional Advocate General assisted by Mr.E.Vijay Anand, learned Additional Government Pleader appearing for respondents 1, 4 and 5, Mr.K.Arun Prasad, learned counsel for respondents 2 and 3 and Mr.V.Rajesh, learned counsel for sixth respondent.

6. The only issue that is involved in the present writ petition pertains to the reasoning assigned by the third respondent while issuing the impugned proceedings dated 06.10.2021. The third respondent has specifically stated that the public road will be permitted to be utilized only as an access to approach the tea garden and no vehicle or transport will be allowed considering security reasons.

7. Learned counsel for the petitioner submitted that it involves



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livelihood of the tea growers, who are made to walk in order to unload the tea in the tea factory. Learned counsel also relied upon the judgment of the Apex Court in ***State of Himachal Pradesh and others v. Umed Ram Sharma and others [AIR 1986 SC 847]***.

8. In the case in hand, this Court is dealing with a situation where permission to ply vehicles in public road, which is near to the dam and the power generation plant is prevented considering security reasons. This Court exercising its jurisdiction under Article 226 of the Constitution of India cannot take an independent call on such security reasons assigned by the respondents. The respondents do not have anything against the petitioner and the other tea growers and in fact, they are allowed to use the road as an access except that they are prevented from plying vehicles. Such a decision taken by the respondents cannot be stated to be illegal and there are special reasons as to why plying of vehicles is not being permitted. This Court exercising its jurisdiction under Article 226 of the Constitution of India cannot sit over such a decision taken by the authorities for security reasons.

9. It is brought to the notice of this Court that as a subsequent



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development, a representation was made to the Commissioner of Rural Development and Panchayat Raj, to acquire the lands which were already used for more than 60 years, so that the petitioner and others can have access along with their vehicles. The Commissioner of Rural Development and Panchayat Raj has informed that they do not have the power to acquire lands and if at all any steps are taken, it must be the revenue department, which will take a decision. It is therefore clear that based on the representation made by the petitioner and others, the authorities are trying to find a solution to resolve the problem and to enable the petitioner and others to have access to the road along with their vehicles. It is beyond the scope of this writ petition to go into the issue of acquisition of lands for the purpose of providing access to the tea growers. This is a decision which has to be taken by the concerned authority and proceeded further in accordance with law. Except making this observation, no further orders can be passed in this writ petition.

10. In the light of the above discussion, this Court does not find any illegality in the proceedings of the third respondent and it does not warrant interference of this Court.

N.ANAND VENKATESH, J



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In the result, this writ petition is disposed of in the above terms.

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No costs. Consequently, connected miscellaneous petitions are closed.

25.06.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

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