

W.P.(MD)No.7325 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7325 of 2025

S.Mahadevan

: Petitioner

Vs.

1. The District Collector,
Theni District, Theni.

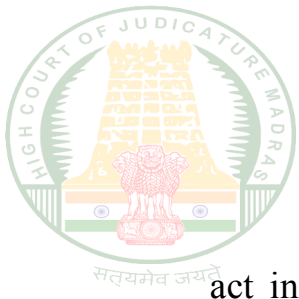
2. The Director (Generation),
TANGEDCO,
144, Anna Salai,
Chennai 600 002.

3. The Chief Engineer Civil/ Transmission,
TANTRANSCO,
144, Anna Salai,
Chennai 600 002.

4. The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation Limited,
K.Pudur,
Madurai 02.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to



W.P.(MD)No.7325 of 2025

act in accordance with Sections 67, 68 and 164 of the Electricity Act 2003 and Section 10, 16 of the Indian Telegraphic Act 1885 with respect to the lands situated in pursuant of the approved Route Map as annexed consequently directing the 1st respondent to facilitate the right of way for laying electric lines based on our representation dated 02.09.2024 within a time frame fixed by this Hon'ble Court.

For Petitioners : Mr.Aayiram K.Selvakumar

For Respondents : Mr.C.Venkatesh Kumar

Special Government Pleader

for R1

Mr.S.Deenadhayalan

for R2 to R4

ORDER

This writ petition has been filed seeking a direction to the first respondent to act in accordance with Sections 67, 68 and 164 of the Electricity Act, 2003 and Sections 10 and 16 of the Indian Telegraph Act, 1885, with respect to the lands situated pursuant to the approved route map. Consequently, to direct the first respondent to facilitate the right of way for laying electric lines by considering the petitioner's representation dated 02.09.2024, within a specified time frame.



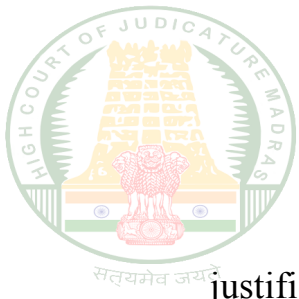
W.P.(MD)No.7325 of 2025

WEB COPY

2. The petitioner claims to be engaged in the business of infrastructure facilitation for wind and solar power projects. As per the letter of approval dated 09.08.2024, the petitioner has been awarded the work to erect 110 KVA SC line DC towers and allied works at Thekkampatty, Theni District. The petitioner's grievance is that the tower line corridor cannot be completed without the acquisition of the right of way for laying the remaining 105 spans. In this regard, the petitioner submitted a representation on 02.09.2024 to the first respondent, stating that he is ready to deposit the compensation amount as fixed by the first respondent. However, since no action has been taken, the petitioner has now filed the present writ petition.

3. Heard both sides.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be



W.P.(MD)No.7325 of 2025

WEB COPY

justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 02.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

18.03.2025

Index : Yes / No

Internet : Yes / No

PKN



W.P.(MD)No.7325 of 2025

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VIVEK KUMAR SINGH, J.

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W.P.(MD) No.7325 of 2025

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