



W.P.(MD) No.16562 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2025

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.16562 of 2025

and

W.M.P.(MD) No.12587 of 2025

S.Malaiyandi

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Superintending Engineer,
Public Works Department
(Water Resource Department),
Samanathapuram,
Palayamkottai,
Tirunelveli District.
- 3.The Block Development Officer,
Manoor Union Office, Tirunelveli.
- 4.The Tahsildar,
Manoor Taluk,
Tirunelveli District.
- 5.The Assistant Engineer,
TANGEDCO,
TLC Complex,
Sivanthipatti Road,
Thiyagaraja Nagar, Tirunelveli.



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6.The Executive Engineer (Rural),
Non Conventional Energy Department
(Wind Energy),
Maharaja Nagar, Tirunelveli.

7.The Wind Plus Private Ltd.,
Rep. by its Manager,
Kalapatti,
Coimbatore District - 621 316.

8.Senvion Wind Technology Pvt. Ltd.,
Rep. by its Branch Manager,
Kathalur, Pudukottai District,
Pin Code 621 316.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, forbearing the first to sixth respondents from erecting the electric pole in the petitioner's patta land in Survey No.35/1 measuring an extent of 118 cents situated at Thenkallam Village, Manoor Taluk, Tirunelveli District by the seventh and eighth respondents herein based on the petitioner's representation dated 12.06.2025 within a stipulated time fixed by this Court.

For Petitioner : Mr.M.Perumal

For R1, R2, R4 & R6 : Mr.D.Ghandiraj
Special Government Pleader

For R3 : Mr.R.Suresh Kumar
Additional Government Pleader

For R5 : Mr.S.Deenadhayalan
Standing Counsel



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ORDER

This Writ Petition is being disposed of at the admission stage, after hearing the learned counsel for the petitioner and the learned counsels for the official respondents, and after dispensing with notice to the private respondents.

2. It is the specific case of the petitioner that the private respondents, namely the seventh and eighth respondents, attempted to erect an electric pole on the petitioner's patta land in Survey No.35/1, measuring an extent of 118 cents, situated at Thenkallam Village, Manoor Taluk, Tirunelveli District. Therefore, the petitioner sent a representation dated 12.06.2025 to the first respondent, which however has not evoked any response.

3. It is the further specific case of the petitioner that the first respondent is enjoined to protect the interests of the petitioner, as the petitioner's agricultural land is being encroached upon by the private respondents for running a windmill and for transmitting the power generated therefrom. It is noticed that, under Section 17 of the Indian Telegraph Act, 1885, the telegraph authority, as is contemplated under the



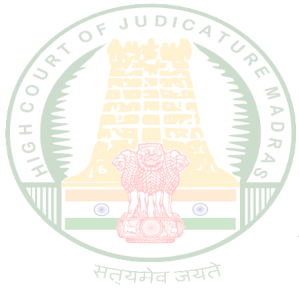
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said Act, is made applicable to the Indian Electricity Act, 2003. Such Authority is empowered to lay electric poles for transmission lines over private land after following the due procedure prescribed under the provisions of the Indian Telegraph Act, 1885.

4. The private respondents are, *prima facie*, not the telegraph authority for the purposes of the Indian Telegraph Act, 1885. There are *prima facie* indications that the petitioner's land may have been encroached upon by the seventh and eighth respondents. However, this would require proper verification.

5. Therefore, the third and fourth respondents are directed to inspect the petitioner's property with the assistance of a Surveyor and forward a report to the first respondent. Before such inspection and forwarding the report, due notice shall be issued to the seventh and eighth respondents as well as to the petitioner.

6. The first respondent shall, thereafter, act upon the report submitted by the third and fourth respondents and pass appropriate orders to protect the interests of the petitioner.



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7. Accordingly, this Writ Petition stands disposed of. No costs.

Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes/No

Speaking Order / Non-Speaking Order

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C.SARAVANAN, J.

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