



W.P.(MD)Nos.27789 and 29321 of 2025 and 5050 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2026

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.(MD)Nos.27789 and 29321 of 2025 and 5050 of 2026

and

W.M.P(MD)Nos.21561 and 22650 of 2025 and 4229 of 2026

W.P.(MD)No.27789 of 2025:

P.Markkannathas

...Petitioner

-VS.-

1.The District Collector,
District Collector Office,
Theni District.

2.The Director (Generation) ,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.

3.The Chief Engineer Civil/Transmission,
TANTRANSCO,
No.144, Anna Salai,
Chennai - 600 002.

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



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5.The Assistant Executive Engineer,
TANGEDCO,
Palanichettipatti, Theni District.

6.S.Mahadevan,
Managing Director,
Eurus Helios Energy Infra Private Limited, at SNC,
KRM Towers, 4th Floor, No.1, Harrington Road,
Chetpet, Chennai - 600 031.

7.The Tamil Nadu Electricity Regularity Authority,
Chennai.

... Respondents

(R7 impleaded vide court order dated 02.04.2026, in W.P.(MD).No.27789 and 29321 of 2025)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned order issued by the 1st respondent vide E.Copu No.1879599/G3/2024 dated 03.09.2025 and quash the same.

W.P.(MD)No.29321 of 2025:-

Malaiyarasan

...Petitioner

-VS.-

1. The District Collector,
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3. The Chief Engineer Civil/Transmission,
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4. The Superintending Engineer General,
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Tamil Nadu Transmission Corporation Limited,
K.Pudur, Madurai – 02.

5. The Assistant Executive Engineer,
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Palanichettipatti, Theni District.

6. S.Mahadevan,
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Eurus Helios Energy Infra Private Limited, at SNC,
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W.P.(MD)Nos.27789 and 29321 of 2025 and 5050 of 2026

W.P.(MD)No.5050 of 2026:

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Ravi

...Petitioner

-VS.-

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District Collector Office, Theni District.

2. The Director (Generation) ,
TANGEDCO, No.144, Anna Salai,
Chennai - 600 002.

3. The Chief Engineer Civil/Transmission,
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For Petitioner	:Mr.H.Lakshmi Shankar for Mr.V.Malaiyendran
(In all W.Ps)	
For R1 to R5	:Mr.M.Mahaboob Athiff
(In all W.Ps)	Government Advocate
For R6	: Mr.Ayiram K.Selvakumar
(In all W.Ps)	
For R7	: Mr.K.Balasubramaniyan
(In W.P(MD).Nos.27789 and 29321 of 2025)	

COMMON ORDER

Heard Mr. H. Lakshmi Shankar, learned counsel appearing for the petitioners; Mr. M. Mahaboob Athiff, learned Government Advocate appearing for respondents 1 to 5; Mr. Ayiram K. Selvakumar, learned counsel appearing for the sixth respondent; and Mr. K. Balasubramaniyan, learned counsel appearing for the seventh respondent in W.P.(MD) Nos.27789 and 29321 of 2025.

2. The petitioners have challenged the order dated 03.09.2025 passed by the first respondent in exercise of powers purportedly conferred under Sections 10 and 16 of the Indian Telegraph Act, 1885, read with Sections 67, 68 and 164 of the Electricity Act, 2003. By the said order, the first respondent granted

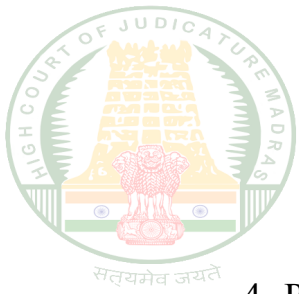


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permission to the sixth respondent to carry out works relating to the erection and maintenance of transmission lines over the immovable properties specified therein. The order further provides that in the event of any obstruction being caused to the transmission towers already erected, appropriate action may be initiated against the persons responsible in accordance with Section 16(2) of the Indian Telegraph Act, 1885.

3. The facts leading to the filing of the present writ petitions are that TANGEDCO, by proceedings dated 28.02.2024, accorded approval to the sixth respondent for the establishment of a new 110/33 KV Pooling Sub-Station, comprising one 25 MVA Power Transformer. The approval was granted for the purpose of evacuating power generated by the sixth respondent. As part of the scheme, the proposed Pooling Sub-Station was required to be connected to the Thappangundu 400/110 KV Sub-Station on the 110 KV side by erecting a 110 KV Single Circuit feeder line on Double Circuit towers up to the said sub-station. Thereafter, the Tamil Nadu Transmission Corporation Limited (TANTRANSCO), by communication dated 20.08.2024, approved the route map proposed for the transmission line.

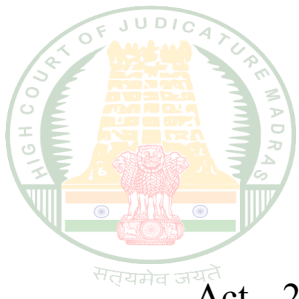


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4. Pursuant to the aforesaid approvals, the sixth respondent initiated steps for the erection of transmission towers and the drawing of transmission lines, portions of which were proposed to pass over the immovable properties belonging to the petitioners. The petitioners objected to the proposed alignment and resisted the execution of the works. In view of the objections raised, the sixth respondent approached the District Collector, the first respondent herein, by invoking Section 16 of the Indian Telegraph Act, 1885, seeking permission to proceed with the transmission line works notwithstanding such resistance. The first respondent, after affording an opportunity of hearing to the petitioners as well as the respondents concerned and upon consideration of the materials placed on record, passed the impugned order dated 03.09.2025 granting the requested permission.

5. Assailing the said order, Mr. H. Lakshmi Shankar, learned counsel appearing for the petitioners, contended that the sixth respondent is neither a licensee within the meaning of Section 14 of the Electricity Act, 2003 nor a person or entity upon whom the powers of the Telegraph Authority have been conferred by the appropriate Government under Section 164 of the Electricity



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Act, 2003. According to the learned counsel, the extraordinary powers contemplated under the Indian Telegraph Act, 1885 can be exercised only by a Telegraph Authority or by an entity duly authorised under Section 164 of the Electricity Act, 2003. In the absence of such statutory authorisation, the sixth respondent has no legal competence to invoke Section 16 of the Indian Telegraph Act, 1885 or seek assistance from the District Collector for overcoming objections raised by landowners. Consequently, it was argued that the impugned order suffers from a lack of jurisdiction and statutory authority and is therefore liable to be set aside.

6. Per contra, Mr.Ayiram K.Selvakumar, learned counsel appearing for respondent No.6 , submitted that the sixth respondent has been exempted from obtaining a licence under Rule 21 of the Electricity (Amendment) Rules , 2024 and, therefore, is duly authorised to carry out works relating to the laying of transmission lines in terms of Rule 3 of the Works of Licensees Rules, 2006. The learned Government Advocate further submitted that TANTRANSCO/TANGEDCO has been vested with the powers of a Telegraph Authority by virtue of an order issued under Section 164 of the Electricity Act,



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2003. In exercise of such powers, the respondent authorities had granted the necessary approval and permission to the sixth respondent for establishing the transmission line connecting the Captive Generating Plant to the grid. Consequently, the contention advanced on behalf of the petitioners that the sixth respondent is proceeding without any authority of law is wholly misconceived and devoid of merit.

7. The learned Counsel further submitted that several similarly situated landowners had earlier approached this Court challenging the erection of transmission towers and transmission lines over their respective properties. In those cases, this Court, while permitting the project to proceed, had directed the competent authority to determine and disburse appropriate compensation to the affected landowners in accordance with law. In support of his submissions, he placed reliance upon the orders passed by the Co-ordinate Bench of this Court in W.P. Nos.17334 and 15896 of 2020, dated 31.03.2021, as well as in W.P.(MD) No.6319 of 2020, dated 07.08.2020.

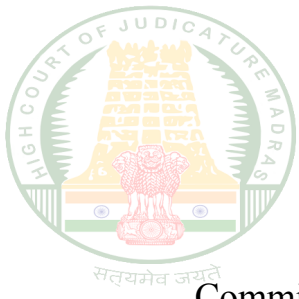


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8. Elaborating further, the learned counsel submitted that the sixth respondent is a Captive Generating Plant established after obtaining all requisite approvals and permissions from the competent authorities, including TANGEDCO. The proposed transmission line is an integral component of the project and is essential for the evacuation and transmission of power generated by the plant. It was only on account of the obstruction and resistance offered by the petitioners that the sixth respondent was constrained to invoke the provisions of Section 16 of the Indian Telegraph Act, 1885 and approach the first respondent for appropriate orders. After considering the objections raised by the petitioners and affording them due opportunity of hearing, the first respondent passed the impugned order in accordance with law. Therefore, the impugned order does not call for any interference by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.

9. The learned counsel further contended that the petitioners have an effective and efficacious alternative remedy available under Rule 3(3) of the Works of Licensees Rules, 2006 by way of a revision before the Appropriate



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Commission. Without availing such statutory remedy, the petitioners have directly approached this Court by filing the present writ petitions. On this ground alone, according to the learned Counsel , the writ petitions are liable to be dismissed.

10. The learned counsel appearing for the respondent No.7 and the learned Government Advocate appearing for the Respondents 2 to 5 adopted the aforesaid submissions and contended that the impugned order passed by the District Collector is strictly in conformity with the provisions of the Indian Telegraph Act, 1885 and the Electricity Act, 2003. It was submitted that the first respondent had exercised the powers vested in him after duly considering all relevant factors and that the impugned order does not suffer from any procedural irregularity, jurisdictional error, or legal infirmity warranting interference by this Court. They therefore prayed for dismissal of the writ petitions.

11. This Court has carefully considered the rival submissions advanced by the learned counsel appearing for the respective parties and has also perused the materials placed on record.



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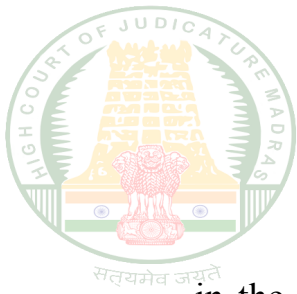
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12. Before considering the main contention of the petitioners that the impugned order passed by the first respondent is without jurisdiction and statutory authority, it is necessary to refer to the relevant provisions of the Electricity Act, 2003, the Works of Licensees Rules, 2006, and the Indian Telegraph Act, 1885.

Section 2(38) of the Electricity Act, 2003 defines a “*licensee*” as a person who has been granted a licence under Section 14 of the Act. Section 14 empowers the Appropriate Commission to grant licences to persons for transmitting electricity, distributing electricity, or undertaking trading in electricity.

13. Admittedly, the sixth respondent has not been granted any licence under Section 14 of the Electricity Act, 2003. Therefore, the sixth respondent does not fall within the definition of a “*licensee*” under Section 2(38) of the Act.

14. Section 164 of the Electricity Act, 2003 empowers the Appropriate Government to confer upon any public officer, licensee, or any person engaged



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in the business of supplying electricity, the powers of a Telegraph Authority under the Indian Telegraph Act, 1885 for placing electric lines and electrical plants. Such powers can be exercised only when they are specifically conferred by the Appropriate Government and are subject to the provisions of the Indian Telegraph Act, 1885.

15. In the present case, it is not in dispute that no order has been issued conferring powers under Section 164 of the Electricity Act, 2003 upon the sixth respondent. On the other hand, the materials placed before this Court show that by Notification dated 23.02.2012, such powers have been conferred only upon TANGEDCO/TANTRANSCO. Therefore, the sixth respondent cannot independently claim the status of a Telegraph Authority or exercise powers under the Indian Telegraph Act, 1885.

16. Rule 21 of the Electricity (Amendment) Rules, 2024 deals with the establishment, operation and maintenance of dedicated transmission lines. Under the said Rule, a generating company or a person establishing a Captive Generating Plant is exempted from obtaining a licence under Section 14 of the



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Electricity Act, 2003 for establishing and maintaining a dedicated transmission line, subject to compliance with the applicable regulations and standards.

17. Thus, Rule 21 exempts a Captive Generating Plant from obtaining a licence for establishing and maintaining a dedicated transmission line connecting the plant to the grid.

18. Rule 3 of the Works of Licensees Rules, 2006 authorises a licensee to lay electric lines and carry out related works over any land, subject to obtaining the consent of the owner or occupier.

19. The proviso to Rule 3 states that where objections are raised by the owner or occupier, the licensee must obtain prior written permission from the District Magistrate or other competent authority before carrying out such works.

20. In the present case, when the sixth respondent sought to lay transmission lines through the petitioners' lands, objections were raised by the

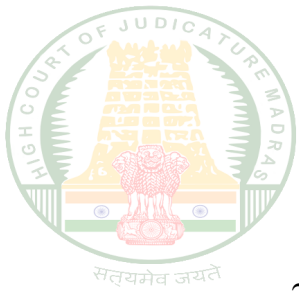


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petitioners. Consequently, the sixth respondent approached the first respondent seeking permission to proceed with the works.

21. A plain reading of Rule 3 of the Works of Licensees Rules, 2006 makes it clear that only a “*licensee*” can invoke the remedy provided under the Rule and seek permission from the District Magistrate in the event of objections from landowners. As already noted, the sixth respondent is neither a licensee under Section 14 of the Electricity Act, 2003 nor a person upon whom powers under Section 164 of the Act have been conferred. Therefore, the sixth respondent cannot invoke Rule 3 of the Works of Licensees Rules, 2006.

22. The contention of the sixth respondent that, since it is exempted from obtaining a licence under Rule 21 of the Electricity (Amendment) Rules, 2024, it should be treated as a deemed licensee, cannot be accepted. An exemption from obtaining a licence cannot automatically confer the status of a licensee. In the absence of any statutory provision creating such a legal fiction, the said contention is liable to be rejected.



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23. The learned counsel for the sixth respondent relied upon Regulation 3 of the Tamil Nadu Electricity Regulatory Commission (Energy Regulation) Regulations, 2008. Regulation 3(3) provides that evacuation facilities shall be provided by the State Transmission Utility or the Distribution Licensee. It further provides that while the generating company shall bear the cost of such facilities, the actual execution of the work shall be carried out by the State Transmission Utility or the Distribution Licensee.

24. Based on the said Regulation, it was argued that the sixth respondent is entitled to enter upon the petitioners' lands for erecting transmission towers and drawing transmission lines and that TANTRANSCO is under a statutory obligation to provide evacuation facilities.

25. This Court is unable to accept the said contention. Regulation 3 only deals with the provision of evacuation facilities and allocation of costs between the generating company and the transmission utility. The Regulation does not authorise a private generating company to enter private lands without consent, nor does it confer upon such company any power available under the



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Indian Telegraph Act, 1885. More importantly, it does not dispense with the requirement of authorisation under Section 164 of the Electricity Act, 2003.

26. The Tamil Nadu Electricity Regulatory Commission (Energy Regulation) Regulations, 2008 are applicable only to renewable energy projects for which a Power Purchase Agreement has been entered into on or after 15.05.2006. Admittedly, the petitioner has not entered into any Power Purchase Agreement with any distribution licensee. Therefore, the reliance placed on the said Regulations is misplaced. Hence, Regulation 3 of the 2008 Regulations does not assist the sixth respondent in establishing its authority to invoke the provisions of the Indian Telegraph Act, 1885, or the Works of Licensees Rules, 2006.

27. The learned counsel for the sixth respondent also relied upon several orders passed by Co-ordinate Benches of this Court involving similarly situated landowners. In those cases, directions were issued for determination and payment of compensation to affected landowners. However, in those cases, the issue relating to the competence of the sixth respondent to invoke the



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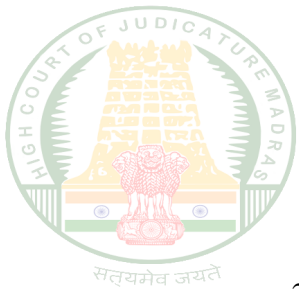
provisions of the Indian Telegraph Act, 1885 and the Electricity Act, 2003 did not arise for consideration. Therefore, those decisions cannot be treated as precedents governing the issue involved in the present writ petitions.

28. Reliance was also placed on the order passed by this Court in ***W.P. Nos.17334 and 15896 of 2020 dated 31.03.2021.***

A reading of the said order shows that the Court was concerned only with the determination of compensation payable to the affected landowners. The issue relating to the authority of the beneficiary to invoke the provisions of the Indian Telegraph Act, 1885 was neither raised nor decided. Therefore, the said decision is distinguishable and does not assist the respondents.

29. Reliance was further placed on the decision in ***W.P.(MD) No.6319 of 2020.***

In that case, the transmission works were being carried out by a contractor acting on behalf of an entity which had already been vested with powers under Section 164 of the Electricity Act, 2003. The facts of that case are therefore entirely different from those of the present case.



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30. In the present case, the sixth respondent is neither a licensee nor a person authorised under Section 164 of the Electricity Act, 2003. Therefore, the said decision is also distinguishable.

31. In view of the above discussion, this Court is of the considered opinion that the sixth respondent does not possess the legal authority to invoke either the provisions of the Indian Telegraph Act, 1885 or the Works of Licensees Rules, 2006 for entering upon the petitioners' lands and erecting transmission towers or laying transmission lines. The fact that the project relates to evacuation of power generated from windmills or serves a public purpose cannot by itself confer such authority. Any interference with private property rights must have statutory backing and must be carried out strictly in accordance with law.

32. The first respondent proceeded on the assumption that the sixth respondent was entitled to invoke Section 16 of the Indian Telegraph Act, 1885. While passing the impugned order, the first respondent failed to examine whether the sixth respondent possessed the necessary statutory authority either



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as a licensee under the Electricity Act, 2003 or as a person authorised under Section 164 of the said Act. The impugned order therefore suffers from a jurisdictional error and cannot be sustained.

33. Accordingly, these writ petitions are ***allowed***. The impugned orders dated 03.09.2025 passed by the first respondent are hereby quashed. There shall be no order as to costs. Consequently, all connected miscellaneous petitions are closed.

01.06.2026

Index : Yes / No

NCC: Yes / No

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HEMANT CHANDANGOUDAR, J.

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