

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2013

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.15548 of 2013

and

M.P.No.1 of 2013

R.Krishnamoorthy .. Petitioner

.Vs.

- 1.Power Grid Corporation of India Limited,
rep by its Deputy General Manager,
400/230 KV Sub Station,
Kalivanthappattu,
Guduvancherry,
Chennai-603 202.
- 2.The District Collector,
Kancheepuram District,
Kancheepuram. .. Respondents

This writ petition is preferred under Article 226 of the Constitution of India praying for the issue of a writ of mandamus forbearing the first respondent, its men, agents and other persons claiming under it, from entering into the lands comprised in Survey No.26/1A, Thirutheri village, Chengalpet Taluk, Kanchipuram District and interfering with the petitioner's peaceful possession and enjoyment of the same except in accordance with law.

For Petitioner : Mr.K.Surendar

For Respondents : Mr.Jayesh Dolia for R-1
Mr.V.Subbiah, Spl.G.P. for R-2

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ORDER

The petitioner has objected for installation of transmission tower in the land of the petitioner in S.No.26/1A in Thirutheri village, Chengalpet Taluk, Kanchipuram District.

2.The learned counsel for the petitioner has stated that in similar circumstances, this court has passed an order in T.Narayanan Vs. Power Grid Corporation (India) Limited reported in 2009 Writ L.R. 562, directing the Power Grid Corporation to approach the District Magistrate concerned for permission to deal with the objection raised by the petitioner. The District Magistrate was directed to consider the objection and pass orders

in accordance with the provisions of the Indian Telegraph Act, 1885.

3.Paragraph 27 of the aforesaid order is extracted hereunder :

"27.Therefore, all these writ petitions are disposed of as follows :

The Power Grid Corporation, shall, as early as it deems fit, approach the District Magistrate concerned in each case for permission to deal with the objections raised by the petitioners in each case and the said District Magistrate shall consider the objections and pass orders in accordance with the provisions which have been extracted above. This project involves huge expenditure and therefore, we cannot permit any avoidable delay. The petitioners cannot think that by avoiding any notice or summons from the District Magistrate, they can indefinitely delay the matter. Immediately on receipt of the request by the Corporation for permission, the District Magistrate shall issue notice to the respective objectors and after hearing their objections, shall pass orders in accordance with law, within a period of six weeks from the date on which the Corporation makes a request for permission to the District Magistrate.

There will be no order as to costs. Consequently, Miscellaneous Petition Nos.1,1,1,1,1,1,1 and 1 of 2006 are closed."

4.In view of the aforesaid order, the Power Grid Corporation shall approach the District Magistrate concerned for permission to deal with the objection raised by the petitioner. The District Magistrate, i.e., the District Collector of Kanchipuram District is directed to issue notice to respective objectors and after hearing their objections, shall pass an order in accordance with law, within a period of six weeks from the date on which the Corporation makes a request for permission to the District Magistrate. In case the District Collector holds enquiry through the Revenue Divisional Officer and gets the report, the District Collector is directed to furnish a copy of the report to both parties for making their remarks on the report before passing orders.

5.This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Assistant Registrar.

To

1.The Deputy General Manager,
Power Grid Corporation of India Limited,
400/230 KV Sub Station,
Kalivanthappattu,
Guduvancherry,
Chennai-603 202.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

+1cc to Mr.K. Surendar , Advocate SR.No.32968

+1cc to M/S Aiyar and Dolia , Advocate SR.No.32417

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