
(2013) 07 MAD CK 0116

In the Madras High Court

Case No : Writ Petition No. 15464 of 2013 and M.P. No. 1 of 2013

Suban Kadhu @ Katthumi

APPELLANT

Vs

The District Collector and The Superintending Engineer (NI)

RESPONDENT

Date of Decision : 05-07-2013

Acts Referred:

Citation : (2013) 07 MAD CK 0116

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : Na. Malai Saravanan, for the Appellant; V. Subbiah, Spl. G.P. for Respondent-1 and Mr. Rameshwar for Respondent-2, for the Respondent

Final Decision : Disposed Off

Judgement

D. Hariparanthaman, J.—The petitioner owns agricultural land comprised in S. No. 104/2, 3, 4, 5, 6 to an extent of 6.59 acres situated at

Puthupalayam Village, Vazhappadi Taluk, Salem district. This is the only land available to the petitioner and she is living in the said land by doing

agricultural operations. While so, the Tamil Nadu Transmission Corporation (then TNEB) has approved 230/110 KV Sub-Station at Singapuram

in Salem District, vide B.P. No. 145 dt. 29.10.2010. The Sub-Station is to improve the voltage conditions and to extend High tension supply to

the upcoming industries in and around Salem, Attur and Vazhappadi areas.

2. The Scheme was published in newspaper both in the new Indian Express and in Tamil Daily Thanthi on 7.5.2011 calling for any objection from

the affected persons. No objection was raised by the public within the prescribed time.

3. As per the Scheme, the total route length of the new line is 7.165 Kms. and

there will be 27 towers connecting the lines. The route of the transmission line has already been approved by the experts and the route is shorter one. Out of 27 towers, foundation works are completed for 23 towers and stringing of 230 KV DC line for 3.00 Kms. are completed.

4. Since the petitioner has objected in September, 2012 for erecting a tower by giving complaint to the Revenue Divisional Officer, Vazhappadi, the matter was referred to the first respondent to consider the objection of the petitioner. It seems that the District Collector directed the R.D.O., Salem to enquire into the matter and submit a report. The R.D.O., Salem submitted a report, dt. 10.5.2013. Based on the same, the District Collector passed the impugned order, dated 10.5.2013 directing the second respondent to proceed with the Scheme by erecting a tower in the lands of the petitioner. Hence, the petitioner has filed this writ petition to quash the impugned order, dated 10.5.2013 of the first respondent.

5. The learned counsel for the petitioner has challenged the impugned order on two grounds which are as follows:

(1) When the District Collector relied on the report of the R.D.O., Salem, dated 10.5.2013, the same was not furnished to the petitioner and views of the petitioner were not obtained.

(2) When the petitioner himself agreed to give either northern or southern portion of her land for erecting the tower, the same was not considered by the first respondent while passing the impugned order.

6. The grievance of the petitioner is that the income derived from the agricultural operation is the only source of income and if the tower is placed at the centre of the land, the agricultural operation will be affected and it is submitted that the petitioner is having only this piece of land and she cannot do agricultural operation, if the tower is erected in her land.

7. On the other hand, the learned counsel for the second respondent has vehemently contended that the Scheme has to be executed immediately to improve the voltage condition and to extend High tension supply to the upcoming industries in and around Salem, Attur and Vazhappadi areas.

8. I have considered the submissions made on both sides.

9. In the impugned order, dated 10.5.2013, the first respondent has in fact noted in the impugned order that the petitioner offered either northern

or southern side of land for erecting the tower. Paragraph 2 in the impugned order, dated 10.5.2013 is extracted hereunder:

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However, the same was not considered by the first respondent while passing the impugned order.

10. The first respondent directed the R.D.O., Salem to enquire into the matter and to give report. The R.D.O., Salem enquired the petitioner. The

petitioner has expressed her willingness to give her land for erecting tower either on the northern side or southern side of the land. This view of the

petitioner, though mentioned in the impugned order, the same was not considered by the first respondent, while directing the second respondent to

proceed with the Scheme in the existing route.

11. As rightly contended by the learned counsel for the petitioner, the report, dated 10.5.2013 of the R.D.O., Salem was also not furnished to the

petitioner when the same is relied on by the first respondent.

12. At this juncture, the learned Special Govt. Pleader for the first respondent has submitted that now he has furnished a copy of the R.D.O. report

to the learned counsel for the petitioner and the petitioner can give her remarks to the first respondent.

13. In these circumstances, the impugned order is set aside and the matter is remanded back to the first respondent to pass fresh order, by

considering the remarks to be submitted by the petitioner, within a period of four weeks from the date of receipt of remarks. In the meantime, the

petitioner is directed to give her remarks on the report of the R.D.O., Salem, within a period of two weeks from the date of receipt of copy of this

order. It is needless to say that until the first respondent passes a fresh order, the second respondent shall not put up tower in the lands of the

petitioner.

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

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