

W.P.No.2278 of 2026

WEB COPY **IN THE HIGH COURT OF JUDICATURE AT MADRAS**

RESERVED ON: 24.02.2026

PRONOUNCED ON: 09.03.2026

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

W.P.No.2278 of 2026

and

W.M.P.No.2521 of 2016

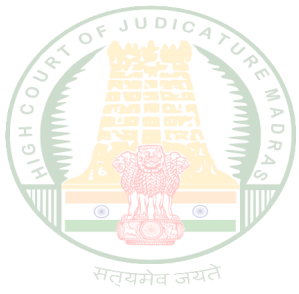
M/s.Progen Renewables Ltd.,  
87-A, First Floor, Muniappan Kovil Street,  
Ganapathy, Coimbatore 641 006,  
Rep by its  
Authorized Signatory, T.Manickavasagam

...Petitioner

-vs

1. The Power Grid Corporation,  
B-9, Qutab Institutional Area,  
Katwaria Sarai, New Delhi - 110 016  
Rep by its Chairman.
2. Power Grid Kudankulam Transmission Limited,  
(Formerly Kudankulam ISTS Transmission Ltd),  
PGCIL Office, NPKRR Maaligai, 7<sup>th</sup> Floor,  
144, Anna Salai, Chennai 600 002,  
Rep by its Director.

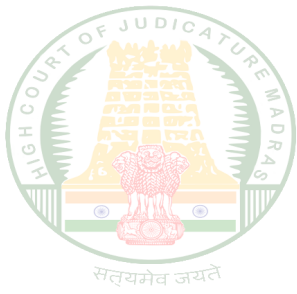
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3. The Manager (TLC),  
Power Grid Kudankulam Transmission Limited,  
(Formerly Kudankulam ISTS Transmission Ltd),  
Tirunelveli CAO, 400/430 KV Tirunelveli Substation,  
Abishegapatti Village, Vellalankulam Post,  
Tirunelveli 627 012.
  4. Tamil Nadu Power Distribution Corporation Ltd (TNPDC),  
10<sup>th</sup> Floor, 144, Anna Salai,  
Chennai 600 002,  
Represented by its Chairman and Managing Director.
  5. Tamil Nadu Green Energy Corporation Ltd.,  
(TNGECL),  
10<sup>th</sup> Floor, 144, Anna Salai,  
Chennai 600 002,  
Represented by its Managing Director.
  6. The Chief Engineer / NCES,  
(TNGECL),  
2<sup>nd</sup> Floor, 144, Anna Salai,  
Chennai 600 002.
  7. The District Collector,  
33/11, Kokkirakulam Road,  
Near Science Centre, Kokkirakulam,  
Tirunelveli 627 009
- ...Respondents



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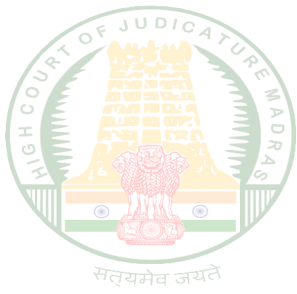
**Prayer** : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the 1<sup>st</sup> to 3<sup>rd</sup> respondents, their men, officers, representatives from in any manner erecting Transmission Towers / Lines in the petitioner's lands bearing S.F.No.351/1 and 353/2A Kasthuriengapuram, Part-1 Village, Rathapuram Taluk,, Tirunelveli District which is against the 6<sup>th</sup> respondent's Load Flow Study dated 27.11.2025 and without following the provisions of the Electricity act, 2003 and the Indian Telegraphic Act, 1885.

For Petitioner : Mr.V.C.Janarthanan  
for Mr.R.S.Pandiyaraj

For Respondents : Mr.A.R.L.Sundaresan, ASGI  
1 to 3 for M/s.Khurana and Khurana

For Respondents  
4 to 6 : Mr.D.R.Arun Kumar  
Standing Counsel

For Respondent-7 : Ms.R.L.Karthika  
Government Advocate



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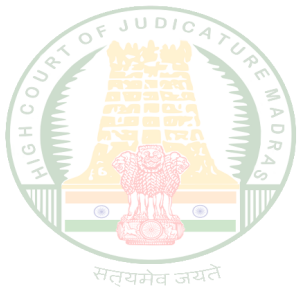
**ORDER**

The above writ petition is filed seeking a mandamus to forbear the respondents 1 to 3 from erecting Transmission Towers / Lines in the petitioner's lands bearing S.F.No.351/1 and 353/2A Kasthuriengapuram, Part I Village, Rathapuram Taluk,, Tirunelveli District which is against the 6<sup>th</sup> respondent's Load Flow Study dated 27.11.2025 and without following the provisions of the Electricity act, 2003 and the Indian Telegraphic Act, 1885.

**Petitioner's case:**

2. It is the contention of the petitioner that they are a Private Limited Company engaged in the production of wind energy and the supply of power to its group captive consumers within the State of Tamil Nadu. As the State of Tamil Nadu has more number of sunny days and is a forerunner in solar power generation and other non-conventional energy source, the petitioner, with a view to generating

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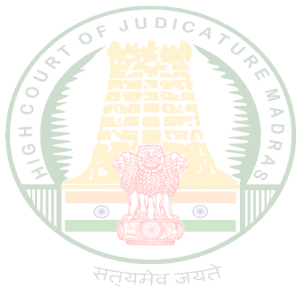


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this green power, had made an application dated 03.05.2025 to the 6<sup>th</sup> respondent for establishing a 25 MW Solar Power Plant under the preferential tariff scheme for captive consumption. This request was approved by the 6<sup>th</sup> respondent and the petitioner was directed to pay the applicable charges, which included the registration fee, Load Flow Study Charges, refundable security deposit etc., The petitioner would submit that the security deposit was collected to ensure that a Solar Power Generator (SPG) diligently pursues the project, commissions it within the stipulated time and to eliminate and discourage players who were not serious about the project from blocking the power evacuation facility indefinitely. The petitioner would submit that, in all, a sum of Rs.25,00,000/- was paid.

3. Thereafter, the petitioner-Company had purchased the subject property under a registered Sale Deed dated 23.06.2025. The 6<sup>th</sup> respondent had conducted a detailed Load Flow Study and issued a

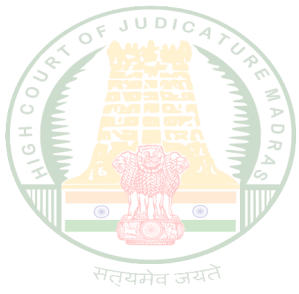


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report dated 21.11.2025 stating that the petitioner's proposed 25 MW Solar Power Plant could be connected to the 110/33-11 KV Radhapuram Sub Station. The petitioner has also commenced the construction in full swing.

4. While so, to the absolute shock and surprise of the petitioner, the 3<sup>rd</sup> respondent had issued a notice dated 17.07.2025 stating that it intends to install 400 KV Transmission Lines in Survey Numbers 351/1 and 353/2 which are patta lands in which 25MW Solar Power Plant is under construction. The officials of the 3<sup>rd</sup> respondent had started measuring the land, fixed the boundaries in the petitioner's land and they continued the measurement process for the purpose of stringing 400 KW Transmission lines from one tower to another, thereby marking the entire land not fit for use.

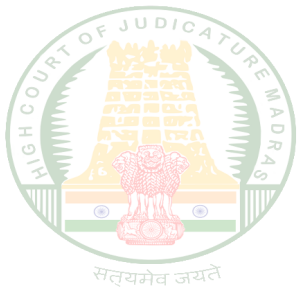


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5. The 3<sup>rd</sup> respondent had proposed to erect 400 KV transmission lines from Kudankulam Nuclear Power Project Units 3 and 4 to Tuticorin GIS. To this, the petitioner had raised his objections on 18.07.2025. However, the same has not been considered by the 3<sup>rd</sup> respondent either in the form of a reply or by passing any order. The 3<sup>rd</sup> respondent, without even appreciating the petitioner's objections, is compelling the petitioner to permit them to install the basement for the HT Towers.

6. Although the petitioner had approached the 3<sup>rd</sup> respondent in person seeking details of the project and a copy of its original sketch, no response was received from the 3<sup>rd</sup> respondent. That apart, the 3<sup>rd</sup> respondent refused to reconsider the decision. The petitioner also reliably understands that the respondents have deviated from the route of the HT lines in order to avoid and accommodate certain other lands and as a result of such deviation, the HT lines are now sought to be

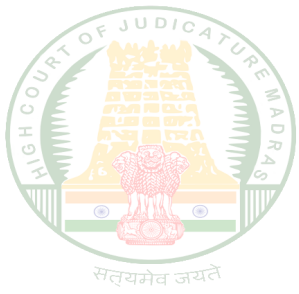


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erected on the petitioner's land where the solar power plant works is under way.

7. The petitioner would submit that under Rule 3 of the Works of Licencees Rules, 2006, the Licencee is obligated to obtain permission in writing from the District Magistrate or the Commissioner of Police before carrying out any work on private land. Such a permission has not been accorded in the instant case. The respondents have started bringing equipment onto the petitioner's land and have issued directions to stop the erection of the Solar Power Plant and to remove the solar panels which is arbitrary and without the authority.

8. The petitioner would submit that under Section 16 of the Indian Telegraph Act, 1885 as and when a landowner raises objections, the District Collector is required either to direct the authority not to proceed with the work or to permit the authority to exercise its powers



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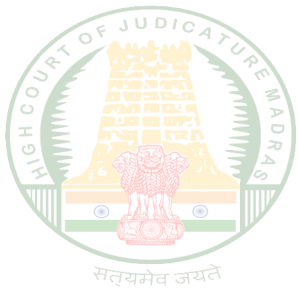
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under Section 10 Part III of the Telegraph Act and continue the project.

In the case on hand, despite the petitioner's objection, the 3<sup>rd</sup> respondent has failed to consider the same. That apart, no permission has been obtained from the District Collector. The petitioner would submit that the 3<sup>rd</sup> respondent cannot override or ignore the objections raised by the petitioner and proceed to exercise the powers under Section 10 of the Indian Telegraph Act, 1885. The entire work has been commenced without any enquiry being conducted by the 3<sup>rd</sup> respondent and speaking order thereupon. Thus aggrieved, the petitioner is before this Court seeking the reliefs stated supra.

**Respondents' defense:**

9. The respondents 2 and 3 have filed a counter affidavit *inter-alia* contending that the 1<sup>st</sup> respondent Company is a Government of India enterprise under the aegis of the Ministry of Power. This has been established to develop an efficient power transmission system



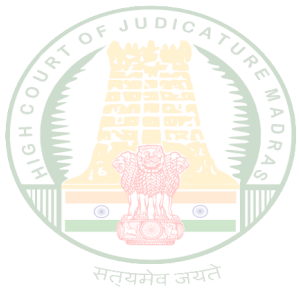
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network and is responsible for planning and coordination of the inter-state transmission system. It is also responsible for the establishment and operation of the Regional and National Power Grids to facilitate the transfer of power within and across regions and is a “Deemed Transmission Licensee”.

10. The 2<sup>nd</sup> respondent is a wholly owned subsidiary of the 1<sup>st</sup> respondent and the project SPV (Special Project Vehicle) entrusted with establishing a transmission system under ISTS for evacuation of power from Kudankulam Unit – 3 and 4 (2x1000MW), a public purpose project under prior approval of the Ministry of Power, Government of India under Section 68(1) of the Electricity Act, 2003, vide Letter Ref.No.25-17/75/2024-PG dated 12.08.2024. The scope of the project is to set up evacuation infrastructure for two upcoming units of the Nuclear Power Corporation of India Limited at the Kudankulam Nuclear Power Plant (KKNPP) in Tirunelveli District of Tamil Nadu.

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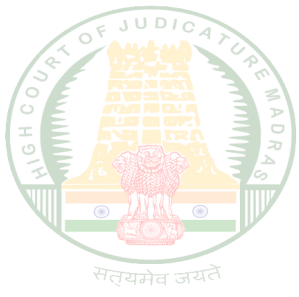


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Under this project, the 2<sup>nd</sup> respondent was required to establish a 400 KV double-circuit (quad) line from KKNPP-Unit 3 and 4 was upto the existing power grid's Tuticorin-II (GIS) Pooling Station at North Vandanam Village, Kayathar Taluk in Tuticorin District along with two 400KV GIS line terminal equipment at the pooling station. The total length of the line is 104.508km traversing through Tirunelveli and Tuticorin Districts of Tamil Nadu with 278 towers proposed, As on date, the foundation for 108 out of 278 Towers has been completed and out of this, 78 Towers has been erected. From this 400 KV transmission line, 2000 MW of extra high voltage power will be evacuated to the Indian National Grid and therefore, the project is of extreme national importance.

11. The respondents would further submit that the project has been conceived and the route fixed after conducting a techno economic survey with a view to avoid places of inhabitation, worship and to



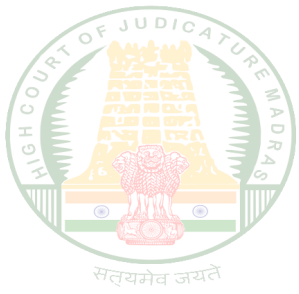
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utilising available corridors to the maximum extent possible. This route has been fixed by taking into account the several parameters which has been extracted in paragraph 8 of the counter. Further in paragraph 9, the respondent-Corporation has detailed the manner in which they execute the project and has also set out the procedure in detail.

12. The respondents would submit that the dispute now placed for consideration of the Court relates to Tower Nos.65/2 and 65/3 which are to be installed in Survey Nos.353/2A and 351/1 of Kasthuriengapuram Village, Tirunelveli District. Tower No.65/2 falls adjacent to a Government land i.e a lake / reservoir in Survey No.357 and is government land. It is only Tower No.65/3 which is in the petitioner's land. They would further submit that the foundation work of Tower 65/2 is in progress and in respect of Tower No.66/0, notice has been served and the work is yet to start. Tower Nos.64/1, 64/2,

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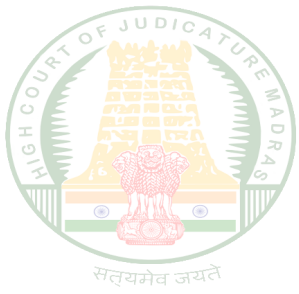


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64/3, 65/0 and 65/1 have already been erected. In respect of Tower No.69/1, which is in the succeeding direction, the foundation work is in progress. In respect of Tower Nos.66/0, 67/0, 68/0, 69/0 which are in the Power Line crossing, the statutory joint inspection of other Transmission utilities is underway.

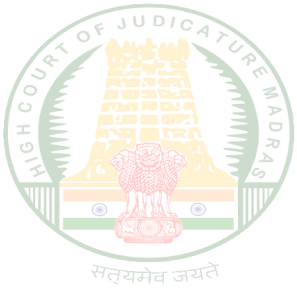
13. The respondents would refute the contention of the petitioner that objections have not been considered. In this regard, they would submit that on 12.08.2024, the Government of India had granted approval under Section 68(1) of the Electricity Act, 2003 for the installation of overhead transmission lines. Thereafter, the 2<sup>nd</sup> respondent had published the scope of the transmission scheme/project and the route alignment carried out. The respondent had, on 22.01.2025, published the details of the project in Tamil and English dailies such as Dinamani, Dinakaran and the New Indian Express. That apart on 15.02.2025, the route alignment was published in the Gazette



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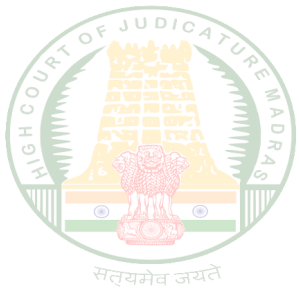
of India and the public were put on notice to submit their observations / representations within two months. However, no objections were received. Thereafter, at the time of installing the towers, the 2<sup>nd</sup> respondent has sent notice to the land owners informing them about their intent to enter upon the land and at that point in time, they were informed that Survey Nos.351/1 and 353/2A belonged to the same owner. Therefore, a notice dated 17.07.2025 was issued to both the petitioner as well as their vendor, M/s.TMV Energy Resources Pvt. Ltd., Thereafter, during the title search, it came to light that Survey No.353/2A situated at Kasthuriengapuram Village, Tirunelveli District was a Government land. The respondents would further submit that the result of the survey was brought to the notice of the Tahsildar and the petitioner and the petitioner had put up a boundary wall across their property situated in Survey No.351/1; Tower No.65/2 is outside the petitioner's land.



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14. The Indian Telegraphic Act, 1885 and Works Licences Rules, 2006 did not confer any right on the petitioner to object to the construction of the transmission line and they can only seek compensation for damages if any. The respondents would further refute the contention of the petitioner that the details of the project were not made known to the general public as the details were available for public scrutiny and the same had also been intimated through newspaper publications. It is also the contention of the respondents that the construction of the solar power plant had taken place only after the advertisement of the route alignment. That apart, permission was not required under Clause 3(4) of the Works Licences Rules 2006 which specifically exempts the licence from seeking approval of the District Magistrate. Hence, they prayed for the dismissal of the writ petition.



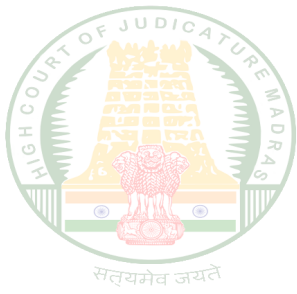
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**Submissions:**

15. The main crux of the petitioner's argument is that, despite objections having been given, the same has not been considered by the District Collector. The petitioner would submit that in the publication issued, the survey numbers have not been set out. Under Rule 3(1) of the Works of Licencees Rules, 2006, the Licencee can carry out the works contemplated therein only with the prior consent of the owner or occupier of the land and where an objection is raised, the licensee has to obtain the permission from the District Magistrate or the Commissioner of Police, who shall thereupon pass orders either to remove or alter such works. While making an order under Sub Rule (1), the District Magistrate has to fix the amount of compensation payable after considering representations of the concerned parties. It is the petitioner's contention that since such an order is subject to revision, a reasoned and speaking order is required to be passed.

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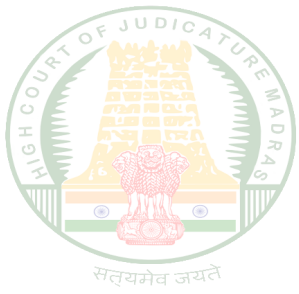
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16. In support of his argument, the learned counsel for the petitioner would rely upon the judgment reported in *2025(1) WLR 543 [Eswari Vs The State of Tamil Nadu Rep by its District Collector and others]*. The issue involved in this writ petition is set out in paragraph 6 of the order and the issue relating to prior approval and publication has been dealt with in paragraph 8 therein. He would further submit that the petitioner has already obtained the necessary permission for setting up the Solar Power Plant in the very same survey numbers in which the transmission line is now sought to be erected.

17. It is also his contention that the approval under Section 68(1) of the Electricity Act, 2003 has been granted to Kudankulam ISTS Transmission Limited which is a Sub Contractor and therefore, there has been a sub delegation. A reading of the communication dated 12.08.2024 addressed by the Under Secretary to the 1<sup>st</sup> respondent

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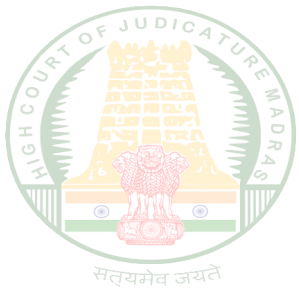
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would amply demonstrate the same. He would submit that such sub-delegation has been frowned upon in *Eswari*'s case with particular reference to paragraph No.7.4 wherein the Hon'ble Judge has observed that a reading of Section 164 of the Electricity Act clarifies that the power conferred under Section 16(1) is non-delegable. He would further submit that in response to the petitioner's representation dated 18.07.2025, the District Collector under Section 16 of the Indian Telegraph Act, 1885 had neither issued notice nor considered the objections. He would therefore submit that on the aforesaid grounds, the writ petition may be allowed as prayed for.

18. Per contra, Mr. A.R.L.Sundaresan, learned Additional Solicitor General of India appearing for respondents 1 to 3 would at the outset submit that the petitioner's claim lacks bona fide. The purchase of the property itself has taken place after the project had been published and the objections sought for. A plain reading of the

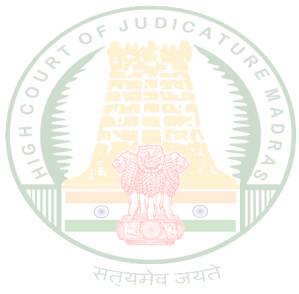
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permission granted by the TANGEDCO, the petitioner's approvals as well as the payments made would demonstrate that all of this had taken place after notice had been issued to the petitioner on 17.07.2025 under the Electricity Act, 2003 read with the Indian Telegraph Act, 1885. He would submit that as early as on 12.08.2024, the Power Finance Consulting Limited had made an application seeking approval from the Government of India under Section 68(1) of the Electricity Act for installing the overhead transmission line. On 15.03.2024, the Power Finance Corporation Limited was appointed as the Bid Process Co-ordinator for the purpose of selection of bids. Koodankulam ISTS Transmission Limited had been incorporated as a special purpose vehicle and is a wholly owned subsidiary of PFC Consulting Limited. Thereafter, on 12.08.2024, approval under Section 68(1) of the Electricity Act had been granted to the respondents. The learned Additional Solicitor General would counter the argument regarding the sub delegation by stating that the Power Finance Corporation



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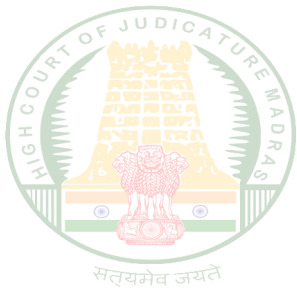
Consulting Limited is a Government of India Undertaking.

Kudankulam ISTS Transmission was thereafter transferred to the Power Grid Corporation and therefore, the conferring of powers on Koodankulam ISTS Transmission Limited under Section 164 of the Electricity Act was very much in order and is not a sub-delegation. The power of the District Collector is restricted only to removing obstructions and determining the compensation. He would rely upon the following judgments:

- (i) 2017 5 SCC 143 –[Power Grid Corporation of India Ltd. v. Century Textiles and Industries Ltd]***
- (ii) 2013-1-L.W-170 – M/s.Sri Vignesh Yarns Pvt.Ltd., Rep by its Managing Director, Sri.T.Sivakumar Vs S.Subramaniam and Others.***
- (iii) W.A.No.1178 of 2021 - Ponnusamy and Others v. Union of India and Others.***

Therefore, he would pray that the writ petition be dismissed.

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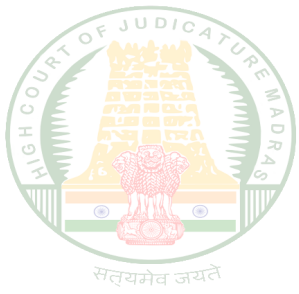
19. Heard the learned counsels on either side and perused the materials available on record.

20. The dates and events culled out from the above pleadings and the documents is very essential for considering the issue on hand.

**15.03.2024** – The Ministry of Power vide Gazette No.CG-DL-E-15032024-253080 had appointed PFC Consulting Limited as the Bid Process Coordinator. Kundankulam ISTS Transmission Limited (now known as Power Grid Kudankulam Transmission Limited) was incorporated as the wholly owned subsidiary of the 1<sup>st</sup> respondent.

**19.07.2024** -Power Finance Corporation Consulting Limited seeks prior approval from the Government of India under Section 68(1) of

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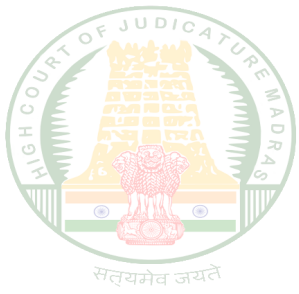
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the Electricity Act for installing the subject over head transmission line.

**12.08.2024** – The Government of India, Ministry of Power based on the recommendation of the Central Electricity Authority (CEA) , Ministry of Power, Government of India conveyed the prior approval under Section 68(1) of the Electricity Act, 2003 to the 2<sup>nd</sup> respondent for installation of the said transmission line subject to compliance with the stipulated conditions. One of the conditions was that the construction has to commence within 3 years from the date of grant of approval, unless the said period was extended by the Ministry of Power.

**22.01.2025** – Public notices were issued by the 2<sup>nd</sup> respondent in the Tamil Dailies, viz., Dinakaran and Dinamani, (Tirunelveli Edition) Hindi Daily, viz., Dakshin Bharat Rashtramat Hindi Daily and the English Daily, The New Indian Express, putting the general public on

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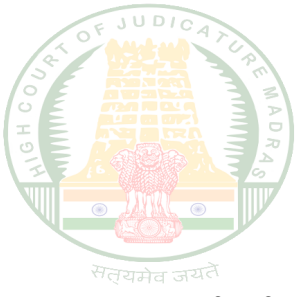
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notice that they intent to apply to the Government of India to confer upon them the powers under Section 164 of the Electricity Act. The publication would state that the route alignment was available for inspection at the office of the General Manager (Product In-charge of the 2<sup>nd</sup> respondent)

**15.02.2025** – Publication in the Gazette of India.

**03.05.2025**- Proposal was submitted by the petitioner to the Chief Engineer / NCES TNGECL seeking permission to establish a 25 MW Solar Plant at Radhapruam 110/33-11 KV TANGEDCO Sub Station at 303 KV in Radhapuram Village, Tirunelveli. (Radhapuram is one of the Tehsil's that had been set out in the publication and the gazette notification)



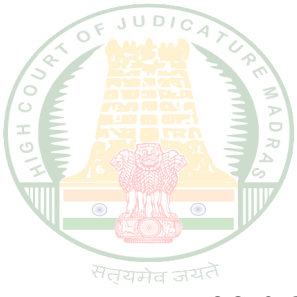
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**07.05.2025-** A letter was issued by the Chief Engineering informing the petitioner that their proposal had been received and directing them to pay a sum of Rs.2,06,382/- being the registration fee, GST at 18% on the registration fee, Load Flow Study Charges and GST at 18% on the Load Flow Study Charges within a period of one month from the date of receipt of the letter.

**11.06.2025** – The Chief Engineer acknowledges the receipt of the money and registers the application. This communication makes it clear that the registration is valid for 6 months and that the petitioner should show the SPV location of site within 15 days of the Registration failing which their seniority would be overlooked. The letter makes it very clear that the registration cannot be construed as an assurance for entrusting connectivity.

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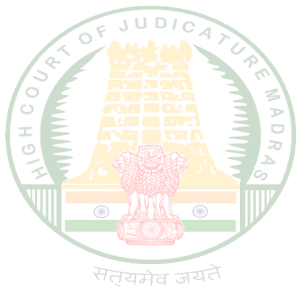
**23.06.2025** – The Sale Deed is executed by M/s.TMV Energy Resources Private Limited in favour of the petitioner in respect of subject lands and other lands.

**26.06.2025** – The revenue records were mutated in the name of the petitioner.

**29.06.2025** – The Sale Deed was registered.

**17.07.2025** – A notice was issued by the 2<sup>nd</sup> respondent putting the petitioner and their vendor on notice that the transmission line would pass through their property and informing them that all possible care would be taken to minimise the damage and in case, if there is any crop damage or pre-felling of trees, compensation would be paid as per the assessment made by the Revenue Authorities.

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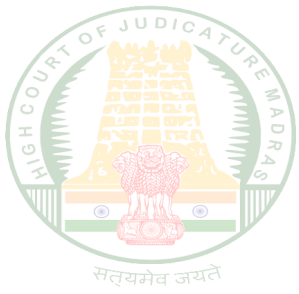
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**18.07.2025** – A reply was issued by the petitioner calling upon the respondents to drop all proceedings and to find out an alternate alignment for laying the transmission line.

21. From the above details, it is clear that the entire exercise for getting approval for establishing the solar power plant had commenced only after the public notice had been issued by the 2<sup>nd</sup> respondent in the gazette as well as newspapers calling for objections i.e 3 months after the publication in the gazette of India. In fact, the applications for establishing the Solar Power Plant has been made without any indication of the property in which the Power Plant was proposed to be installed. The Sale Deed has been subsequently entered into and that too nearly a year after the proposal for establishing the transmission line had been initiated. Further, no direction to set up the solar plant has been granted. The documents produced on the side of the petitioner dated 07.05.2025 and 11.06.2025 would only show that an

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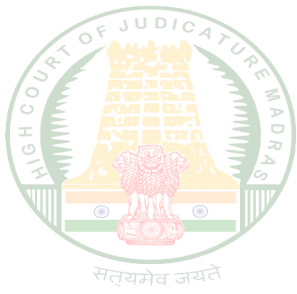


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application has been submitted and registered and that payments were made towards the load flow study charges and registration fees along with GST under two heads. In fact, the letter dated 11.06.2025 under which the application has been registered makes it very clear that such registration does not automatically confer or assure connectivity for the establishment of the solar power plant. Therefore, there is nothing to show that the permission has been granted. The said communication further stipulates that if the location is subsequently altered or not shown to the Superintending Engineer, the seniority of the petitioner's application would be overlooked. However, in the notice issued by the petitioner, it has been represented that the proposal had already been accepted and that construction was going on in full swing. There is no material placed before this Court to substantiate the said claim. Therefore, the conduct of the petitioner in this regard is shrouded in suspicion particularly considering the duration between the application submitted by the petitioner and its registration.

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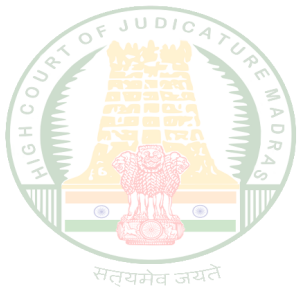
22. The main argument that has been advanced by the petitioner is that the objections of the petitioner have not been considered. There appear to be two stages of permission as contemplated under the Electricity Act, 2003. Part VIII of the Electricity Act, 2003 deals with “Works”. Sections 67 deals with the “Works of Licensees”. The Works of Licensee Rules 2006 has been framed in exercise of the powers conferred by Clause (e) of Sub Section 2 of Section 176 read with 67(2) of the Electricity Act. Rule 3 (1) therein would read as follows:

**Rule 3(1) – Licensee to carry out works**

*(1) A licensee may-*

*(a) carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, wherever or whereunder any electric supply-*

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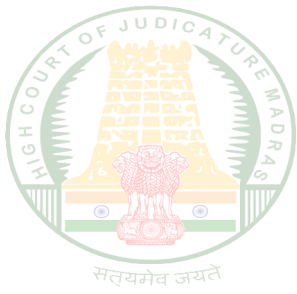
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*line or works has not already been lawfully laid down or placed by such licensee, with the prior consent of the owner or occupier of any building or land;*

*(b) fix any support of overhead line or any stay or strut required for the purpose of securing in position any support of an overhead line on any building or land or having been so fixed, may alter such support: Provided that in case where the owner or occupier of the building or land raises objections in respect of works to be carried out under this rule, the licensee shall obtain permission in writing from the District Magistrate or the Commissioner of Police or any other officer authorised by the State Government in this behalf, for carrying out the works:*



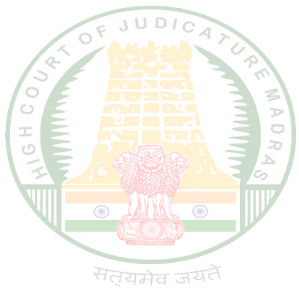
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*Provided further that if at any time, the owner or occupier of any building or land on which any works have been carried out or any support of an overhead line, stay or strut has been fixed shows sufficient cause, the District Magistrate or the Commissioner of Police, or the officer authorised may by order in writing direct for any such works, support, stay or strut to be removed or altered.*

*(2) When making an order under sub-rule (1), the District Magistrate or the Commissioner of Police or the officer so authorised, as the case may be, shall fix, after considering the representations of the concerned persons, if any, the amount of compensation or of annual rent, or of both, which should in his opinion be paid by the licensee to the owner or occupier.*



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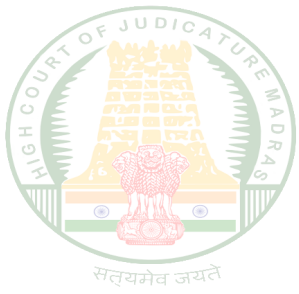
*(3) Every order made by a District Magistrate or a Commissioner of Police or an authorised officer under sub-rule (1) shall be subject to revision by the Appropriate Commission.*

*(4) Nothing contained in this rule shall effect the powers conferred upon any licensee under section 164 of the Act.*

A reading of this Rule indicates two kinds of works that a licensee carries out

(a) The work of laying a new supply line either overhead or underground which has not already been carried out by the Licensee.

(b) To carry out the work of providing support of any stay/shut for securing as already existing overhead line on a building or land or alter such support.



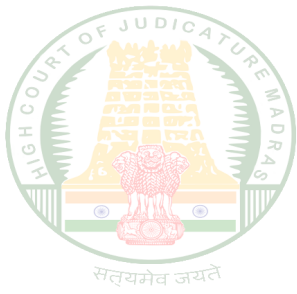
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Proviso 1 of Rule 3(1) deals with the 1st kind of work and proviso 2 deals with the record situation. A reading of proviso 1 makes it deal that where an obstructions/objections is made by an owner it would suffice if the Licensee obtains the permission in writing from the District Magistrate or the Commissioner of Police or any other officer authorized by the State Government in its behalf to carry out the works.

Rule 3 (2) further provides that while making an order under Sub-Rule(1) the authority, shall after considering the representation of the concerned parties determine the amount of compensation or annual rent or both which is his discretion was payable by the licensee to the owner.

Therefore, in the case of a new work contemplated under Rule 3(1) (a) R/W the 1st proviso the only requirement is the case of an obstruction/objection by the owner or occupier of the land permission from the authority concerned was required.



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23. At this juncture, it would be appropriate to refer to Section 10 of the Indian Telegraph Act, 1885, as Section 164 of the Electricity Act, 2003 confers upon the Licensee the same powers which the Telegraph Authority possesses under the Telegraph Act in Section 10 are reads as follows:

**“10. Power for telegraph authority to place and maintain telegraph lines and posts.—**

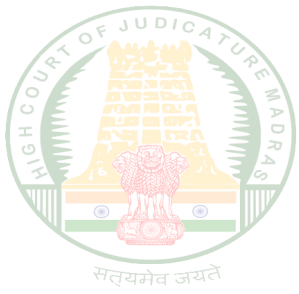
*The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along or across, and posts in or upon, any immovable property:*

**Provided that—**

*(a) ...*

*(b) the authority shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telegraph authority places any telegraph line or post;*

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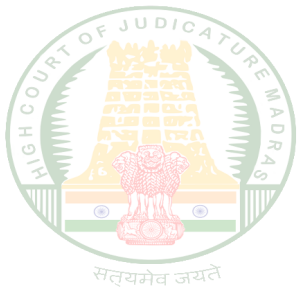
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(c) ...

*(d) the authority shall do as little damage as possible and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.”*

24. Section 16 of the Telegraph Act provides the mechanism for resolving the disputes that arise when the Authority exercises the powers conferred upon them under Section 10 and disputes relating to compensation in respect of property other than that of a local authority. Sub-section (1) reads as follows:

*“16(1) If the exercise of the powers mentioned in section 10 in respect of property referred to in clause (d) of that section is resisted or obstructed, the District*



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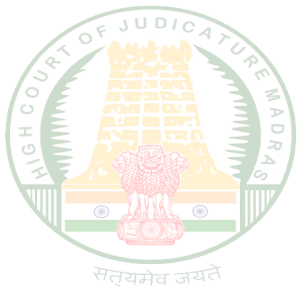
*Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them.”*

This provision specifically relates to clause (d) of the proviso to Section 10, which relates to compensation.

25. Section 16(2) further makes it clear that where any person resists the exercise of such powers or, having control over the property, fails to provide all necessary facilities for the exercise of those powers, he shall be deemed to have committed an offence under the Indian Penal Code.

26. Therefore, it is clear that the detailed objections are available at the stage when the intention to start the project is brought to the notice of the general public, and the notice under Section 16 is a stage thereafter, when the licensee actually proposes to enter upon the land in

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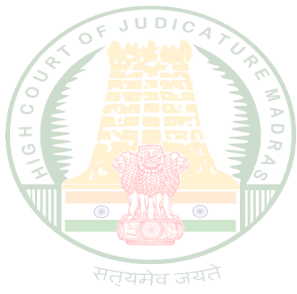
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question. In the case on hand, the public notice dated 22.01.2025 had invited objections at that point in time when the petitioner had not even purchased the property and was not the owner or occupier at that stage. The purchase of the property had taken place only on 23.06.2025. Therefore, when the respondents hand intended to enter upon the land, they had issued the notice as contemplated under Rule 3(1) of the Works of Licensees Rules, 2006 and here, the powers of the District Collector is restricted only to providing compensation for the damages if any caused.

27. The public notice dated 22.01.2025 would read as follows:

*“KUNDANKULAM ISTS TRANSMISSION LIMITED (having its registered office at B-9, Quatab Institutional Area, Katwara Sarai, New Delhi, India -110016) Intends to apply to the Government of India to confer upon him all the powers under section 164 of*



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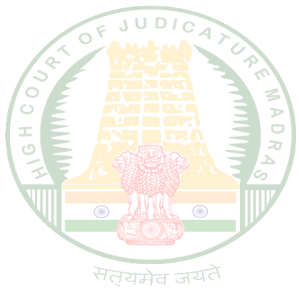


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*Electricity Act, 2003 for the placing of electric lines or electric plants for the transmission of electricity or the purpose of Telephonic or telegraphic communication necessary for the proper co-ordination of works which Telegraph authority possesses under the Telecommunication Act 2023 (Earlier Indian Telegraph Act, 1885) with respect to the placing of Telegraph lines and cost for the commissioning, operation, maintenance and other works for the following transmission schemes. Name of the Transmission scheme: Transmission System under ISTS for evacuation of power from KUNDANKULAM Unit - 3 and 4(2×1000 MW).”*

28. The public notice would indicate the villages through which the transmission lines are proposed to be taken, and it also informs the public that the route alignment is available at the office of the Project

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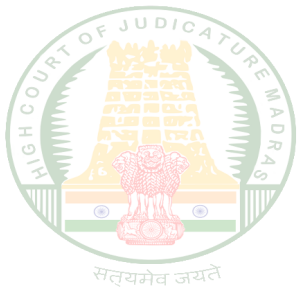


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In-charge. At this stage, information is given to the general public about the proposal, and they are required to submit their observations/representations on the proposal within two months from the date of publication of the notice to the Project In-charge. The next notice is the one informing the owner of the property that the line would pass through the property and that the authority concerned would minimise the damage, and any damage caused would be compensated.

29. A reading of Section 10 of the Telegraph Act would indicate that the exercise of powers by the authority arises at the stage of placing the telegraph lines and posts. While exercising the power under Section 10, proviso (d), if there is any obstruction or resistance, the District Magistrate, in his discretion, shall order the authority to exercise its right under clause (d) of Section 10 and thereafter direct payment of compensation. Therefore, the District Magistrate does not

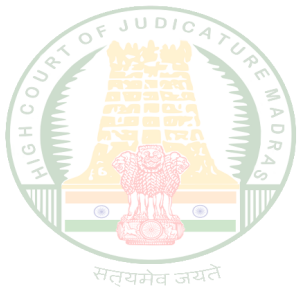


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have the power to stop the laying of the transmission line and can only direct payment of compensation. This is also the position laid down in *Ponnusamy and Others v. Union of India and Others*, (W.A.No.1178 of 2021) *Power Grid Corporation of India Ltd. v. Century Textiles and Industries Ltd.*, (2017) 5 SCC 143 and *M/s. Sri Vignesh Yarns Pvt. Ltd., rep. by its Managing Director, T. Sivakumar Vs. Subramaniam and Others*, 2013-1-L.W. 170.

30. The argument of the petitioner that the powers have been sub-delegated to the 2<sup>nd</sup> respondent cannot be countenanced as the 2<sup>nd</sup> respondent is the wholly owned subsidiary of the 1<sup>st</sup> respondent and approval under Section 68(1) has been granted to the 2<sup>nd</sup> respondent. Further, a considerable length of the work has already been commenced / concluded.



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31. In the upshot of the above discussions and observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**09.03.2026**

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/ No

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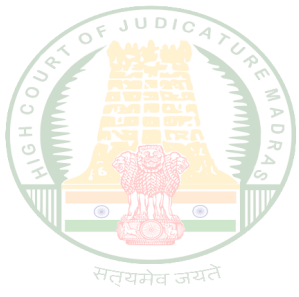
1. The Chairman.

Power Grid Corporation,  
B-9, Qutab Institutional Area,  
Katwaria Sarai, New Delhi 110 016

2. The Director.

Power Grid Kudankulam Transmission Limited,  
(Formerly Kudankulam ISTS Transmission Ltd),  
PGCIL Office, NPKRR Maaligai, 7<sup>th</sup> Floor,  
144, Anna Salai, Chennai 600 002,

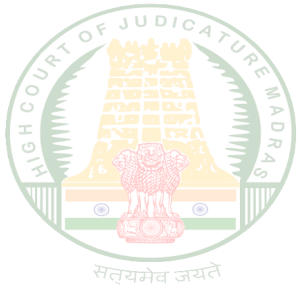
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3. The Manager (TLC),  
Power Grid Kudankulam Transmission Limited,  
(Formerly Kudankulam ISTS Transmission Ltd),  
Tirunelveli CAO, 400/430 KV Tirunelveli Substation,  
Abishegapatti Village, Vellalankulam Post,  
Tirunelveli 627 012.
4. The Chairman and Managing Director.  
Tamil Nadu Power Distribution Corporation Ltd (TNPDC),  
10<sup>th</sup> Floor, 144, Anna Salai,  
Chennai 600 002.
5. The Managing Director.  
Tamil Nadu Green Energy Corporation Ltd.,  
(TNGECL),  
10<sup>th</sup> Floor, 144, Anna Salai,  
Chennai 600 002,
6. The Chief Engineer / NCES,  
(TNGECL),  
2<sup>nd</sup> Floor, 144, Anna Salai,  
Chennai 600 002.
7. The District Collector,  
33/11, Kokkirakulam Road,  
Near Science Centre, Kokkirakulam,  
Tirunelveli 627 009



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and  
W.M.P.No.2521 of 2016

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