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W.P.No.19495 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.09.2026
DELIVERED ON : 11.09.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

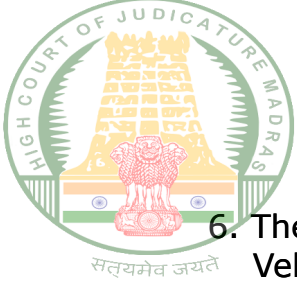
W.P.No.19495 of 2026
and W.M.P.Nos.20778 and 20777 of 2026

K.M.Sivasamy
S/o.Muthusamy,
No.3/102, Periya Thottam, Kurichivalasu,
Lakkumanaickenpatti, Tiruppur District.

Petitioner(s)

Vs

1. The District Collector
Tiruppur District.
2. The Superintendent of Police,
Tiruppur District.
3. The Revenue Divisional Officer,
Dharapuram Revenue Division,
Tiruppur District.
4. The Tahsildar,
Kangayam Taluk, Tiruppur District.
5. The Commissioner,
Vellakovil Municipality, Tiruppur District.



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6. The Block Development Officer,
Vellakovil, Tiruppur District.

7. JSW Renewable Energy Dolvi Three Limited,
JSW Centre, Bandra Kurla Complex,
Bandra (East), Mumbai - 400051.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling upon the records of the first respondent in Na.Ka.No.25632/2025/E5, dated 02.01.2026 and quash the same.

For Petitioner(s): Mr.A.K.Sriram,
Senior Counsel
for Mr.G.Karunakaran

For Respondent(s): Mr.L.Gokulraj,
Addl Govt Pleader
for RR 1, 3 to 6

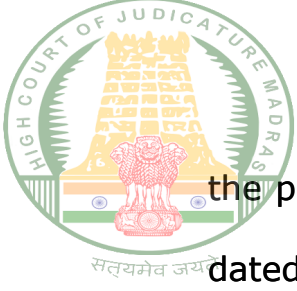
Mr.Durai Gunasekaran
Addl Public Prosecutor for R2

Mr.V.Raghavachari,
Senior Counsel
for Mr.A.Ilayaperumal for R7

ORDER

THE CHIEF JUSTICE

This writ petition, styled as public interest litigation has been filed by a resident of Lakkumanaickenpatti Village, Kangeyam Taluk, Tiruppur District, seeking issuance of a writ of certiorari to quash



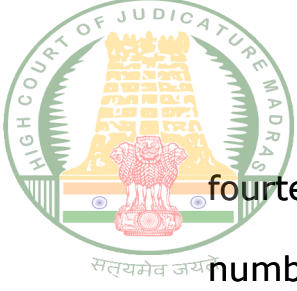
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the proceedings of the first respondent in Na.Ka.No.25632/2025/E5 dated 02.01.2026. By that order, the District Collector, Tiruppur, granted permission to the seventh respondent, JSW Renewable Energy Dolvi Three Limited, under Section 16 of the Indian Telegraph Act, 1885, to erect 33 KV high tension towers and string overhead transmission lines through certain government poramboke lands, a stream and cart tracks situated in Vellakovil Village and Lakkamanaickenpatti Village, Kangeyam Taluk, Tiruppur District, for the purpose of carrying electricity generated from a wind power plant to a 230/33 KV sub-station at Peramium, Dharapuram Taluk.

2.1. The petitioner states that he has filed this public interest litigation in discharge of his fundamental duties under Article 51A(g), (h) and (j) of the Constitution of India, to espouse the cause of the farmers and residents of Vellakovil and Lakkamanaickenpatti Villages, who, according to him, stand seriously affected by the impugned order.

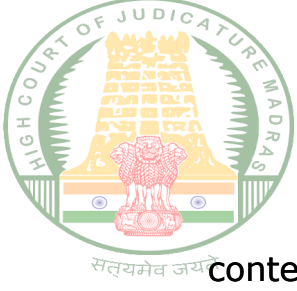
2.2. According to the petitioner, the impugned order permits the seventh respondent to erect towers and string lines over

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fourteen survey numbers in Vellakovil Village and eight survey numbers in Lakkamanaickenpatti Village, all of which are admittedly government poramboke lands, water bodies and cart tracks held in trust by the State for the benefit of the villagers. It is averred that these lands are used for irrigation, groundwater recharge, movement of cattle and transport of agricultural produce, and that erection of towers and heavy foundation work would permanently damage the natural drainage system, weaken bunds and obstruct the cart tracks used by farmers for decades.

2.3. The petitioner further states that he and other villagers submitted representations dated 26.11.2025 and 02.12.2025 to the respondent authorities, objecting to the proposed alignment and requesting that no permission be granted over the poramboke lands, water bodies and cart tracks. He alleges that these objections were brushed aside without proper enquiry and that the first respondent passed the impugned order in a mechanical and arbitrary manner.



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3.1. Learned Senior Counsel appearing for the petitioner contends that the lands in question being government poramboke, water bodies and cart tracks vested in the State, the invocation of Section 16 of the Indian Telegraph Act, 1885 was misconceived, since that provision applies only where a duly authorised Telegraph Authority meets with resistance while exercising powers under Section 10 of the Act, and has no application where the land already belongs to the Government.

5.2. It is further contended that the seventh respondent, being a private company, does not hold the status of a "Telegraph Authority" under the Act, and that no notification conferring such status under Section 164 of the Electricity Act, 2003 was ever produced or referred to in the impugned order. In the absence of such statutory conferment, it is contended, the seventh respondent could not have invoked Section 16 of the Indian Telegraph Act, 1885 or derived any benefit under the said Act.

5.3. It is submitted that the three Government Orders relied upon in the impugned proceedings, namely G.O.Ms.No.101, Water



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Resources Department, dated 30.09.2024; G.O.Ms.No.172, Revenue Department, dated 28.03.2000; and G.O.Ms.No.80, Municipal Administration and Water Supply Department, dated 30.06.2014, have no bearing on the erection of high tension towers. The first government order, it is said, was intended to protect water bodies pursuant to directions of the Madurai Bench of this Court and not to facilitate private commercial projects; the second merely prescribes track rent for optical fibre cables; and the third concerns television cable installations within municipal limits. Reliance on these orders, according to the petitioner, betrays complete non-application of mind.

5.4. It is also submitted that the impugned order was passed without proper enquiry, without examining the question of jurisdiction, and without due consideration of the objections raised by the villagers, and is therefore arbitrary and violative of Articles 14 and 21 of the Constitution of India. It is submitted that the right to a clean environment and to the preservation of water resources and public pathways falls within the protection of Article 21 of the Constitution of India, and that the public trust doctrine, as



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recognised by the Supreme Court, obliges the State to hold such resources for the benefit of the community and not to divert them for private commercial gain.

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6.1. Learned Additional Government Pleader submitted that the objections submitted by the petitioner and four other villagers were duly considered along with a report submitted by the Kangeyam Tahsildar before the order came to be passed.

6.2. It is further stated that the project is meant to benefit the general public by facilitating the distribution of wind energy across the State and that thirty-six conditions were imposed on the seventh respondent to safeguard public interest, including conditions that no damage be caused to water storage capacity or natural drainage, that towers not obstruct the movement of vehicles or cattle on cart tracks, and that the company relocate the towers at its own expense should future road widening require it.

6.3. Learned Additional Government Pleader referred to a Memorandum of Understanding dated 04.08.2025 between the

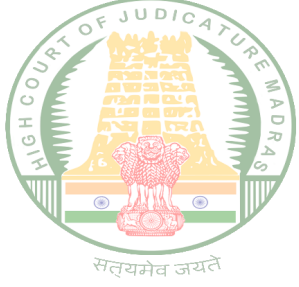


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Government of Tamil Nadu and the seventh respondent for facilitating an investment of about Rs.1,500 crores in Tiruppur, Karur and Dindigul Districts, and to in-principle grants of connectivity issued by the Central Transmission Utility of India Limited on 16.05.2025 and 14.07.2025, and submitted that the petitioner's grievance regarding non-compliance with Section 164 of the Electricity Act is misconceived, and that the District Collector acted strictly within the framework of law.

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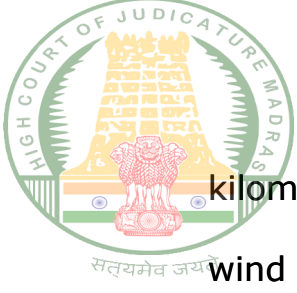
7.1. Learned Senior Counsel appearing on behalf of the seventh respondent submitted that the seventh respondent is a Special Purpose Vehicle incorporated on 05.02.2024 under the Companies Act, 2013, and is a wholly owned subsidiary of JSW Neo Energy Limited, itself a subsidiary of JSW Energy Limited, created for the specific purpose of developing renewable energy projects, including wind and solar power and pumped hydro storage, across the country including Tamil Nadu. He emphasized that, under its constitutional documents, the seventh respondent is entitled to use the permissions and approvals obtained in the name of its parent company.



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7.2. It is stated that JSW Neo Energy Limited has secured a grant of connectivity for 150 MW at the Karur Pooling Station from the Central Transmission Utility of India Limited as early as 16.05.2025, and that the Government of Tamil Nadu and the seventh respondent signed a Memorandum of Understanding on 04.08.2025 for setting up 180 MW of wind energy capacity across Dindigul, Karur and Tiruppur Districts. Pursuant to this, the parent company obtained prior approval under Section 68(1) of the Electricity Act, 2003 from the Ministry of Power, Government of India, by notification dated 02.03.2026, for construction of the very 33 KV overhead transmission lines in question, connecting a 205 MW hybrid wind and solar project in Dindigul and Tiruppur Districts. Registration of the wind energy generator locations was subsequently approved by the Tamil Nadu Green Energy Corporation Limited on 23.03.2026, and route approval was granted by the Central Level Power and Telecommunication Co-ordination Committee, Ministry of Power, on 16.04.2026, for the very alignment now under challenge, running a length of about 88.45

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kilometres from the proposed Dharapuram pooling station to the wind turbine tapping point.

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7.3. It is further submitted that the seventh respondent applied for and obtained permission under Section 16(1) of the Indian Telegraph Act, 1885, by the order dated 02.01.2026, and separately obtained permission under G.O. (Ms.) No.101, Water Resources Department dated 30.09.2024, for erecting a triple pole structure and transmission towers at Survey No.80B1B in Lakkamanaickenpatti Village, by a further government order dated 14.03.2026.

7.4. Learned Senior Counsel took strong exception to the bonafides of the petitioner. It is submitted that the petitioner is himself an encroacher upon government land, having illegally laid pipelines and electricity cables to draw water from the Amaravathi River for his own private lands and that several farmers of the locality have lodged complaints against him for such encroachment, resulting in proceedings pending against him before various departments.

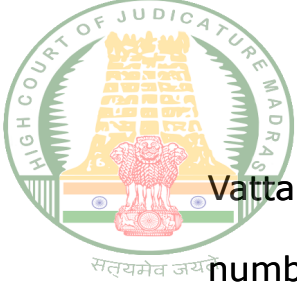
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8. We have heard learned counsel for the parties at length and perused the documents on record.

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9.1. The impugned proceedings of the District Collector, Tiruppur, dated 02.01.2026, disclose the following. The seventh respondent had applied on 11.11.2025 seeking permission to erect a 33 KV power line and electricity poles from its wind power plant, through cart tracks, odai poramboke and other government lands in Vellakovil and Lakkamanaickenpatti Villages, up to the sub-station at Peramium Village. On receipt of this application, the District Collector called for reports from the Block Development Officer, Vellakovil, the Municipal Commissioner, Vellakovil, and the Revenue Divisional Officer, Dharapuram.

9.2. The report of the Revenue Divisional Officer confirms that all the lands involved, comprising fourteen survey numbers in Vellakovil Village and eight survey numbers in Lakkamanaickenpatti Village, are recorded as government poramboke in the Village 'A' Register, the great majority being cart tracks, with one survey number recorded as a stream (odai) and another as



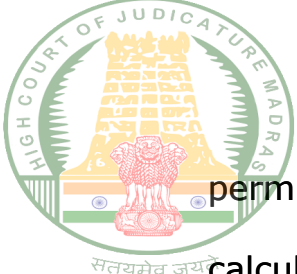
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Vattamalaikkarai. The report sets out the details of the survey numbers, the extent of land, the approximate number of poles to be erected and the approximate length of cable involved.

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9.3. The Tahsildar, Kangeyam, reported that objection petitions had indeed been received from the petitioner and four other villagers, who apprehended that the power line would necessitate felling of trees, prevent widening of village roads, and obstruct the laying of future public utility lines by the Tamil Nadu Electricity Board. The Tahsildar noted, however, that the seventh respondent had, by its letter dated 11.11.2025, given a written undertaking that the erection of poles and lines along panchayat roads, cart tracks and stream porambokes would be carried out without causing disturbance to the public, and that any damage caused to roads or cart tracks would be repaired at its own cost. On this basis, the Tahsildar recommended that the objections be rejected in accordance with government policy.

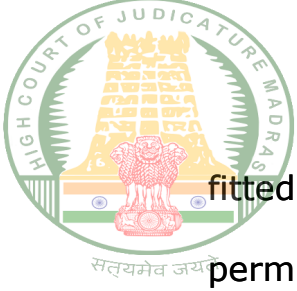
9.4. The Block Development Officer, Vellakovil, and the Municipal Commissioner, Vellakovil, likewise recommended grant of

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permission, subject to conditions, including payment of track rent calculated under G.O.Ms.No.80 dated 30.06.2014, protection of drinking water pipelines, and an undertaking that the poles would not obstruct future road expansion or public transport.

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9.5. After considering these reports, the objections of the petitioner and other villagers, and the government orders referred to above, the District Collector granted permission under Section 16 of the Indian Telegraph Act, 1885, restricted specifically to the stream and Vattamalaikkarai in Survey Nos.1094 and 1095/A of Vellakovil Village, and to the other listed survey numbers of Vellakovil and Lakkamanaickenpatti villages, subject to thirty-six stipulated conditions. These conditions require, *inter alia*, that no damage be caused to water storage capacity, natural drainage or stream banks; that works near the stream be carried out only under departmental supervision and without obstructing the flow of water; that trees not be felled without authorisation; that vehicles and cattle movement on cart tracks not be obstructed; that any damage to roads, cart tracks or drinking water pipelines be repaired by the company at its own cost; that poles be embedded in concrete and



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fitted with adequate clearance and safety measures; that the permission be confined strictly to the survey numbers specified and not extended to any other area; that the company relocate the poles at its own cost, without claim to compensation, if required for future road widening or other public projects; and that the seventh respondent execute a formal affidavit of acceptance of these conditions on stamp paper and file it with the office of the District Collector.

10. The submission of learned Senior Counsel for the petitioner proceeds on the footing that Section 16 of the Telegraph Act is confined to situations where a Telegraph Authority meets resistance from a private landholder, and can have no application to land that already vests in the Government. This submission, in our considered opinion, overlooks the language of the impugned order itself, which does not purport to overcome any resistance from a private party, but grants permission for use of those very lands for a public utility purpose, subject to conditions safeguarding the public interest. The District Collector, as the authority administering government poramboke lands within the district, was entitled to

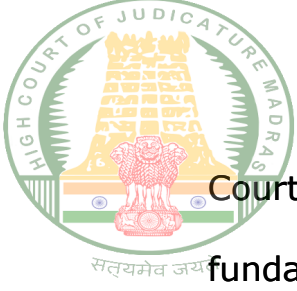


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regulate and permit their use for a purpose found to be in the larger public interest. The mere fact that the mechanism chosen for this purpose was an order under Section 16 of the Telegraph Act does not, by itself, render the exercise as without jurisdiction, particularly when the order is, in substance, an act of permissive management of government land, hedged with 36 conditions to protect drainage, cart tracks and public convenience. This Court, therefore, does not find any inherent lack of jurisdiction vitiating the order on this ground.

11. It is also relevant to note at this juncture that the parent company of the seventh respondent has independently obtained prior approval under Section 68(1) of the Electricity Act, 2003 from the Ministry of Power for the very transmission line forming the subject matter of this petition, together with route approval from the Central Level Power and Telecommunication Co-ordination Committee. These permissions considered in the light of the permission granted under the Telegraph Act, indicates that the project has proceeded through the statutory and regulatory channels ordinarily applicable to such transmission works, and this

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Court is not persuaded that the project suffers from any fundamental illegality on this score.

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12. It is true that G.O.Ms.No.172 and G.O.Ms.No.80 primarily deal with optical fibre cables and television cable installations respectively, and their relevance to the erection of electricity transmission poles is, at best, limited to the principle of track rent and the general regulation of use of public roads for running utility infrastructure across them. However, the record shows that these orders were referred to by the Municipal Commissioner and the Block Development Officer principally for the purpose of computing track rent and fixing conditions of use of panchayat and municipal roads, and not as the substantive source of power for granting permission to erect high tension towers, which power was in fact traced to Section 16 of the Telegraph Act read with G.O.Ms.No.101 of the Water Resources Department. Read in this context, the reference to the two Government Orders does not go to the root of the jurisdiction exercised, and does not vitiate the order as a whole.

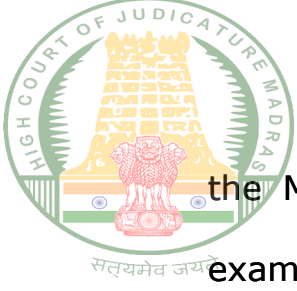


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13. As regards G.O.Ms.No.101, the case of the petitioner is that this order was issued to protect water bodies pursuant to the directions of the Madurai Bench of this Court, and mandates preservation of water resources and environmental scrutiny before grant of no objection. The impugned order shows that permission to install poles within the stream and the Vattamalaikkarai has been confined to specific survey numbers, and made subject to detailed conditions requiring that no damage be caused to the stream or its banks, that works be carried out only under departmental supervision, and that adequate clearance be maintained between the maximum water level and the overhead cables. These conditions are, in substance, consistent with the object of G.O.Ms.No.101 and do not warrant any interference.

14. The grievance raised by the petitioner that the impugned order was passed mechanically, without regard to the objections raised, does not bear scrutiny on a reading of the order itself. The order records that reports were independently called for and obtained from the Revenue Divisional Officer, Dharapuram, the Tahsildar, Kangeyam, the Block Development Officer, Vellakovil, and



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the Municipal Commissioner, Vellakovil. Each of these authorities examined the specific survey numbers, verified whether the lands were indeed government poramboke, and recommended conditions to safeguard public interest. The report of the Tahsildar specifically records and addresses the objections filed by the petitioner and four other villagers, and explains why those objections were not accepted, namely that the seventh respondent had furnished a written undertaking to avoid disturbance to the public and to make good any damage caused. In our considered view, the impugned order, in fact, reflects a reasoned decision reached after due enquiry.

15. Furthermore, it cannot be said that the impugned order proceeds without any safeguard for the environment or public convenience. Thirty-six separate conditions have been imposed, addressing precisely the concerns now voiced in this petition, namely protection of water storage capacity and natural drainage, protection of cart tracks from obstruction, protection of trees and other government property, and the obligation of the seventh



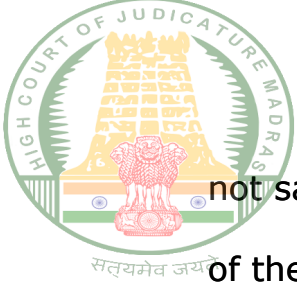
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respondent to relocate its poles, at its own cost and without compensation, whenever a future public project so requires.

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16. When the competent authority has applied its mind to competing considerations of public utility and environmental protection, and has struck a balance by permitting the activity subject to stringent conditions, it is not for this Court, exercising jurisdiction under Article 226 of the Constitution of India, to substitute its own view for that of the authority, unless the decision is shown to be perverse or such as no reasonable authority could have arrived at. No such case has been made out here.

17. As regards the invocation of Articles 14 and 21 of the Constitution of India, this Court is conscious that the right to a clean and healthy environment and the public trust doctrine governing water bodies and common lands are well settled principles of constitutional and environmental jurisprudence. However, having regard to the conditions imposed in the impugned order and the various clearances obtained by the seventh respondent under the Electricity Act and other statutes, this Court is



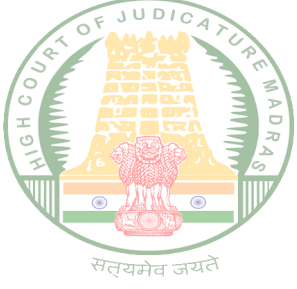
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not satisfied that the impugned order offends Article 14 or Article 21 of the Constitution of India.

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18. For the reasons set out above, this Court is of the view that the impugned order of the first respondent dated 02.01.2026 has been passed after due enquiry, upon consideration of the reports of the departmental authorities concerned and the objections of the petitioner and other villagers, and is hedged with adequate conditions to protect government poramboke lands, water bodies and cart tracks. No case of want of jurisdiction, non-application of mind, or violation of constitutional rights has been made out warranting interference under Article 226 of the Constitution of India.

19. In the result, the writ petition fails and is accordingly dismissed. The seventh respondent shall, however, remain strictly bound by all thirty-six conditions set out in the impugned order, and the respondent authorities shall ensure their due compliance, including immediate remedial action in the event of any damage to water bodies, drainage or cart tracks in the course of the work.



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There shall be no order as to costs. Connected miscellaneous petitions stand closed.

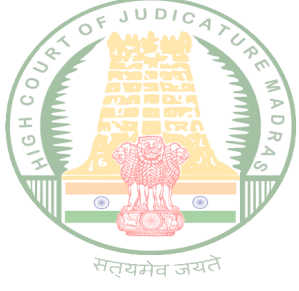
(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)

11.09.2026

Index : Yes
Neutral Citation : Yes
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THE HON'BLE CHIEF JUSTICE
AND
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