



W.P.(MD) No.148 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.148 of 2020

Savarimuthu

.. Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO Ltd.,
Tamilnadu Electricity Board,
Sivagangai-630 562.

2.The Assistant Engineer,
TANGEDCO Ltd.,
Tamilnadu Electricity Board,
Sivagangai-630 562.

3.Nagu

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing respondents 1 and 2 herein to remove the electric pole and wires/lines installed in the petitioner's private house plot in Survey No. 79/3B1, situated in Mathur Village, 2nd Joint Sub Registration Office, Sivagangai Taluk, Sivagangai District based on the petitioner's representation dated 25.05.2019 and



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subsequent representation dated 03.10.2019 within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar
For RR1 & 2 : Mr.S.Deenadhayalan
Standing Counsel
For R3 : Mr.S.Srinivasa Raghavan

ORDER

This Writ Petition has been filed seeking a mandamus to respondents 1 and 2 to remove the electric pole and wires/lines alleged to have been installed in the petitioner's private house plot in Survey No. 79/3B1, situated in Mathur Village, 2nd Joint Sub Registration Office, Sivagangai Taluk, Sivagangai District based on the petitioner's representation dated 25.05.2019 and subsequent representation dated 03.10.2019.

2. It is the contention of the petitioner that he had purchased the aforesaid house plot on 13.03.2008 under a registered sale deed. At that point of time, there was no electric pole and wires or lines. When he had



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left for Chennai to eke out his livelihood and returned to the village for a temple festival on 24.05.2019, he was shocked to learn that in the middle of his plot, an electric pole had been installed and wires were drawn to provide connection to the third respondent's house. The petitioner would submit that his consent has not been obtained. Section 12(2) of the Indian Electricity Act, stipulates that consent has to be obtained from the owner of land before laying the electric poles and lines and where the Board fixes and installs electric lines, poles or other appliances at a private piece of land, the permission and consent of the landlord has to be obtained. The petitioner therefore submitted a representation to respondents 1 and 2 in person on 25.05.2019 calling upon them to remove the pole, which was followed by a representation dated 03.10.2019 sent by registered post with acknowledgment due. Since there was no follow up on the representations, the petitioner has come to this Court seeking the relief as set out *supra*.

3. When the matter had come up on 06.03.2023, this Court had directed the Board to submit a sketch showing the manner in which the



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line had been drawn. Today, when the matter is called, a sketch has been provided, a perusal of which would show that the line has been drawn from the electric pole situate in the main road and drawn up to the third respondent's house which is running on the eastern boundary of the petitioner's land and in the land belonging to the third respondent. It is very evident even from a perusal of the boundary shown in the sale deed of the petitioner that the lines are not running through the lands of the petitioner. Therefore, the grievance projected by the petitioner appears to be nonexistent. That apart, it is also informed that the electric line has been drawn as early as in the year 2008 and the service had been effected on 20.08.2015 at which point of time, there was not a whisper of an agitation by the petitioner. Therefore, in the light of the above, no orders are required to be passed in this writ petition and consequently, this Writ Petition stands dismissed. No costs.

20.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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