



W.P.(MD)No.821 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.821 of 2021

Suryan

... Petitioner

VS

1.The Executive Engineer,
TANGEDCO,
Tirumangalam,
Madurai District.

2.The Assistant Electrical Engineer,
TANGEDCO,
Peraiyur,
Madurai District.

3.S.Thavsi Thevar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 & 2 to remove the electric pole, which is installed in the petitioner's land in S.No.157/2 in Matthakarai village, Peraiyur Taluk, without his consent and concurrence for drawing the L.T.eletric line to the third respondent.



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For Petitioner : Mr.R.Suriyanarayanan

For R1 & R2 : Mr.S.Deenadhayalan
Standing Counsel

For R3 : No appearance

ORDER

This writ petition is filed for Writ of Mandamus directing the respondents 1 & 2 to remove the electric pole, which is installed in the petitioner's land in S.No.157/2 in Matthakarai village, Peraiyur Taluk, without his consent and concurrence for drawing the L.T. Electric Line to the third respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 & 2 and perused the materials available on record.

3. The contention of the petitioner is that the respondents 1 & 2 have erected the electric pole in the petitioner's land and through the said electric pole, the respondents 1 & 2 granted electricity connection to the third respondent. The petitioner submitted that without taking any permission from him, the said



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electric pole has been erected. As per Section 12(2) of the Indian Electricity Act, 1910 and subsequent Rule 3(1) (a) of the Work of Licensee Rules, 2006, the second respondent ought to have obtained consent from the owner of the land. The said contention of the petitioner cannot be accepted, since the said Work of Licensee Rules, 2006 is enacted by Central Government and the said rule would be applicable for the central government project. As on date the State of Tamil Nadu had not enacted any rule and not adopted the central rule and hence as on date no rule is in existence for the State of Tamil Nadu.

4. The learned Standing Counsel appearing for the respondents 1 & 2 submitted that the said electric pole was erected in the year 2010, but the petitioner has submitted an application after a lapse of 10 years, therefore, the same shall not be considered. The said objection is simply recorded.

5. In view of the above, the petitioner is directed to file an application before the concerned Superintending Engineer or to approach the Consumer Grievance Redressal Forum to redress his grievance or to the District Collector.



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WEB COPY 6. With this direction, this writ petition is disposed of. No cost.

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Index : Yes / No
Internet : Yes
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S.SRIMATHY, J

am

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