



W.P(MD)No.14038 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14038 of 2013

and

M.P.(MD)Nos.1 to 3 of 2013

N.A.Manjammal Polytechnic College,
Rep. by its Correspondent / Secretary,
N.R.Subramania Raja,
Melapattam,
Karisalkulam Post,
Rajapalayam Taluk,
Virudhunagar District.

... Petitioner

Vs.

- 1.The Assistant Engineer,
Tamil Nadu Electricity Generation & Distribution Circle,
Padikkasuvaithanpatti,
Srivilliputhur Taluk,
Virudhunagar District.
- 2.The Assistant Executive Engineer,
Tamil Nadu Electricity Generation & Distribution Circle,
Srivilliputhur Division,
Kottaipatti,
Srivilliputhur Taluk,
Virudhunagar District.
- 3.The Executive Engineer,
Tamil Nadu Electricity Generation & Distribution Circle,
Srivilliputhur Division,
Kottaipatti, Srivilliputhur Taluk,
Virudhunagar District.



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4.The Superintending Engineer,
Tamil Nadu Electricity Generation & Distribution Circle,
Virudhunagar Division,
Ramamoorthi Salai,
Virudhunagar-626 001.

5.M/s.Subburaj Cotton Mills Private Limited,
Melapattam Karisalkulam Post,
Rajapalayam Taluk,
Virudhunagar District.
(R5 is impleaded vide order dated 10.11.2022
in W.M.P.(MD)No.15945 of 2018)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to remove the 8 electric poles erected on the petitioner's land in S.No.449, 462/2A, 465/2C3, 464, 465, 466, 467, 468, 469 and 470 at Kothankulam Village, Virudhunagar District, within a period to be stipulated by this Court.

(Prayer ammended vide order dated 02.03.2018)

For Petitioner : no appearance

For Respondents : Mr.S.Deenadhayalan for R1 to R4

: Mr.R.S.Pandiyaraj for R5

ORDER

None appears for the petitioner. Heard the learned standing counsel for TANGEDCO and the learned counsel for the 5th respondent.



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2. I went through the averments set out in the affidavit filed in support of the writ petition. The case of the petitioner is that on the patta land belonging to the petitioner college, electric poles have been laid and lines have been drawn without their consent. Installation and drawing of lines is for supplying electricity to the 5th respondent mill.

3. I called upon the learned counsel for the 5th respondent to produce copy of the consent letter given by the petitioner. No such consent letter could be produced. I have to necessarily come to the conclusion that laying of lines and installation of poles was without getting permission from the petitioner.

4. I therefore direct TANGEDCO to remove the petition mentioned electric poles along with the lines from the petitioner's land. TANGEDCO shall prepare an estimate and serve the same on the fifth respondent. If the fifth respondent bears the cost of shifting, the poles as well as the lines will be shifted accordingly. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. The Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

20.09.2023

Index : Yes / No
Internet : Yes/ No
rmi



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G.R.SWAMINATHAN, J.

rmi

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