



W.P(MD)No.6343 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6343 of 2022
and
W.M.P(MD)No.4957 of 2022

P.Tamizharasi

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation,
Thanjavur Electricity Distribution Circle,
No.1, Vallam Salai,
Thanjavur,
Thanjavur District.

2.The Assistant Executive Engineer
(O & M, Suburban),
Tamil Nadu Generation and
Distribution Corporation,
Rajan Thottam,
Kumbakonam,
Thanjavur District.

3.The Assistant Engineer (O & M),
Tamil Nadu Generation and



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Distribution Corporation,
TANGEDCO Office,
Thirupurambiyam,
Thanjavur District.

4.The Junior Engineer,
Tamil Nadu Generation and
Distribution Corporation,
TANGEDCO Office,
Thirupurambiyam,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent relating to the impugned Demand Letter, bearing No.E.Mi.Po/E.Ka/Thirup/Ko.DCW/A.No.65/21-22, dated 26.08.2021 as far as it demands the petitioner to pay an amount of Rs.75,350/- (Rupees Seventy Five Thousand Three Hundred and Fifty only) towards charges for relocating the electric pole and quash the same as illegal, arbitrary and devoid of merit and consequentially direct the respondents herein to remove the obstructing domestic electrical pole erected in the petitioner's private property comprised in Surve Nos 318/5, of Thirupurambiyam Village, Kumbakonam Taluk, Thanjavur District without claiming any charges from the petitioner.

For Petitioner : Mr.S.Gurumoorthy

For Respondents : Mr.S.Dheenadhayalan
Standing Counsel



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ORDER

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Heard both sides.

2. The petitioner had purchased the petition mentioned property only in the year 2018. On the land purchased by the petitioner, electric poles had already been erected. It is not in dispute that the erection had taken place more than 30 years ago. The petitioner wanted TANGEDCO to shift the poles. The fourth respondent informed the petitioner that upon the petitioner paying a sum of Rs.75,350/- (Rupees Seventy Five Thousand Three Hundred and Fifty only), the poles can be shifted. Challenging the said communication dated 26.08.2021, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this court to set the impugned communication and grant relief as prayed for. She also relied on the decision of the Hon'ble Division Bench reported in **(2011) 3 MLJ 625 (Superintending**



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Engineer & Another Vs M.Sengu Vijay & Another). She called upon this Court to grant relief as prayed for.

4.I am not persuaded by the submission of the learned counsel appearing for the petitioner. Due to sheer lapse of time, the relevant documents are not available. For more than three decades, the electric poles have been allowed to stand. In the decision relied on by the learned counsel appearing for the petitioner the stand of the Board was that since there was no objection from the erstwhile land owner, the poles were put up. Hence the Hon'ble Division Bench inferred that without getting consent from the land owner, TNEB erected the transformer. In the case on hand such a stand has not been taken. Whether consent was obtained from the erstwhile land owner cannot be ascertained at this point of time. Certain claims will have to be rejected as stale and time-barred. The case on hand will fall under such category. Upon the petitioner to remitting the estimated sum of Rs.75,350/- (Rupees Seventy Five Thousand Three Hundred and Fifty only), the respondents will shift the electric pole erected in the petition mentioned land.



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5.This writ petition is dismissed with the aforesaid observation.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

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G.R.SWAMINATHAN, J.

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