



W.P.(MD)No.17964 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.17964 of 2023

M.Parthiban

... Petitioner

versus

1. The District Collector,
Office of the Collectorate Building,
Thoothukudi District.

2. The Chairman,
TANGEDCO,
Tamil Nadu Electricity Board,
800, KR Ramasamy Maaligai,
Anna Salai, Chennai – 600 002.

3. The Superintending Engineer,
TANGEDCO,
Tamil Nadu Electricity Board,
Thoothukudi District.

4. The Assistant Engineer,
TANGEDCO,
Tamil Nadu Electricity Board,
Puliambuthur,
Ottapidaram Taluk,
Thoothukudi District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent Nos.2 to 4 to remove the electric poles and service lines from the petitioner's patta land situated in Survey No.215 and 220 at Saminatham Village, Ottapidaram Taluk, Thoothukudi District by considering the petitioner's representation dated 03.07.2023.

For Petitioner : Mr.D.S.Haroon Rasheed

For R1 : Mr.M.Sarangan,
Additional Government Pleader

For R2 to R4 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The grievance of the petitioner is that the TANGEDCO has laid poles in his patta land without getting any permission from him.

2. The learned Standing Counsel submits that the TANGEDCO has not laid any poles and it must be the poles laid down by the Wind Energy Operators.



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3. Since the respondent Board has taken a stand that they have not laid any pole in the petitioner's patta land, it must be a private Wind Energy Operator or somebody else, erected the poles, without giving any information to TANGEDCO.

4. The petitioner, with a grievance that the electric poles have been erected in his patta land, has submitted a representation dated 03.07.2023 to the respondents. Since the same has not been considered by the respondents, he has approached this Court.

5. If any pole has to be erected, as per the Indian Electricity Act, 1910, it must be erected after obtaining due permission and issuing notice to the land owner. If anybody has violated the provisions of law and laid any pole, the TANGEDCO is duty bound to inform the concerned person/authority to get appropriate orders for laying poles or no objection from the land owner. The petitioner in this regard has already submitted a representation to the 3rd respondent.



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6. Therefore, this Court directs the third respondent to consider the petitioner's representation dated 03.07.2023, conduct an enquiry to find out the person, who have laid poles in the petitioner's patta land and after ascertaining the same, inform the petitioner about the details of the said person. On receipt of such information, the petitioner shall workout his remedy before the concerned authority in the manner known to law.

7. With the above direction, this writ petition is disposed of. No costs.

26.07.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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B.PUGALENDHI, J.

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