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W.P.(MD)NO.12718 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12718 of 2015 AND

M.P.(MD)No.1 of 2015

V.Viyagularaj

... Petitioner

Vs.

1. The Executive Engineer,
Distribution,
Tamil Nadu Electricity Board,
Valliyoor,
Tirunelveli District.
2. The Assistant Executive Engineer,
Distribution,
Tamil Nadu Electricity Board,
Valliyoor,
Tirunelveli District.
3. The Junior Engineer,
Distribution Circle,
Tamil Nadu Electricity Board,
Valliyoor,
Tirunelveli District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the all the electric poles erected in the petitioner's property bearing survey No.1650/4 measuring to an extent of 0.89.0 hectare (2 acres 20 cents) situated at



North Valliyoor Village, Radhapuram Taluk, Tirunelveli District forthwith and adequate compensation for their illegal encroachment in the said property .

For Petitioner : Mr.S.Palanivelayutham

For Respondents : Mr.S.Dheenadayalan,
Standing Counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The case of the petitioner is that the respondents have erected three poles on his patta land.

3. The stand of the respondents is that the poles have been erected only in the pathway leading to cemetery. The respondents categorically state that the poles have not been put up on the petitioner's patta land.

4. The issue can be resolved in the following terms:-

a) The petitioner is permitted to submit an application for conducting survey before the jurisdictional Tahsildar.

b) The survey application shall be entertained and survey



shall be conducted after the petitioner pays necessary charges. Survey shall be conducted in the presence of the officials of TANGEDCO.

c) Survey report and sketch will be prepared. If it turns out that the poles are located on the petitioner's patta land, then the poles shall be removed by the respondents to some other site. In other words, the petitioner's patta land shall be cleared of any electric pole. Shifting charges will not arise at all.

5. I am constrained to issue the direction because of the stand taken by the respondents. The entire exercise shall be concluded within a period of four months from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

11.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



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To:

1. The Executive Engineer,
Distribution,
Tamil Nadu Electricity Board,
Valliyoor,
Tirunelveli District.
2. The Assistant Executive Engineer,
Distribution,
Tamil Nadu Electricity Board,
Valliyoor,
Tirunelveli District.
3. The Junior Engineer,
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WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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