

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2015
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.24312 of 2014
And
M.P.No.1 of 2014

Murugesan

... Petitioner

Vs.

1.The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Generation & Distribution Corporation,
Konganapuram - 637 102.

2.K.P.Ramasamy

... Respondents

Prayer: Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 1st respondent from laying Electric line and Post in petitioner's land which is situated in Survey No.51/7 at Konganapuram Village, Edapadi Taluk, Salem District by considering the petitioner's representation dated 01.08.2014.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.S.K.Rameshwar for R1
Mr.T.N.Rangesh Kanna for R2

O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents and perused the materials placed on record.

2.The petitioner has filed this writ petition seeking issuance of Mandamus forbearing the first respondent from laying Electric line and Post in petitioner's land which is situated in Survey No.51/7 at Konganapuram Village, Edapadi Taluk, Salem District by considering the petitioner's representation dated 01.08.2014.

3.The objection of the petitioner is that the property through which the line is proposed to be laid is a private patta land and if the line is drawn for providing additional electricity load, it will cause prejudice to the petitioner.

4.The second respondent's stand is that the poles are proposed to be erected at the edge of the road and lines are proposed to be laid crossing the road and there is no inconvenience to the petitioner.

5.The first respondent has filed counter interalia contending that they proposed to erect poles at the edge of the road and proposed to lay lines crossing the road and along without any hindrance to the trees and not through the patta lands of the petitioner as stated by the petitioner.

6.The problem arises on account of the fact that the petitioner claims that a catcha road has been formed by the petitioner and other land owners. Obviously, this matter cannot be verified or adjudicated by the Electricity Board for which the presence of the Revenue Officials is necessary. Hence, the first respondent should conduct enquiry into the matter, consider the objections of the petitioner and the stand taken by the second respondent with the assistance of the Revenue Officials and take decision to draw line through the public road.

7.The learned counsel appearing for the petitioner on instructions submitted that if line is put through the public road, it can be drawn and the petitioner will not object to the same, which submission is placed on record.

8.Accordingly, the writ petition is disposed of, directing the first respondent to conduct enquiry into the matter after notice to the petitioner and the second respondent, examine whether the proposed line is in a public road or a private road for which purpose the first respondent shall request the Tahsildar of the concerned area to depute one of his Officers along with necessary records to assist him in enquiry to ascertain the exact position as to whether it is a private road or a public road. The above exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

9.This writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

pri

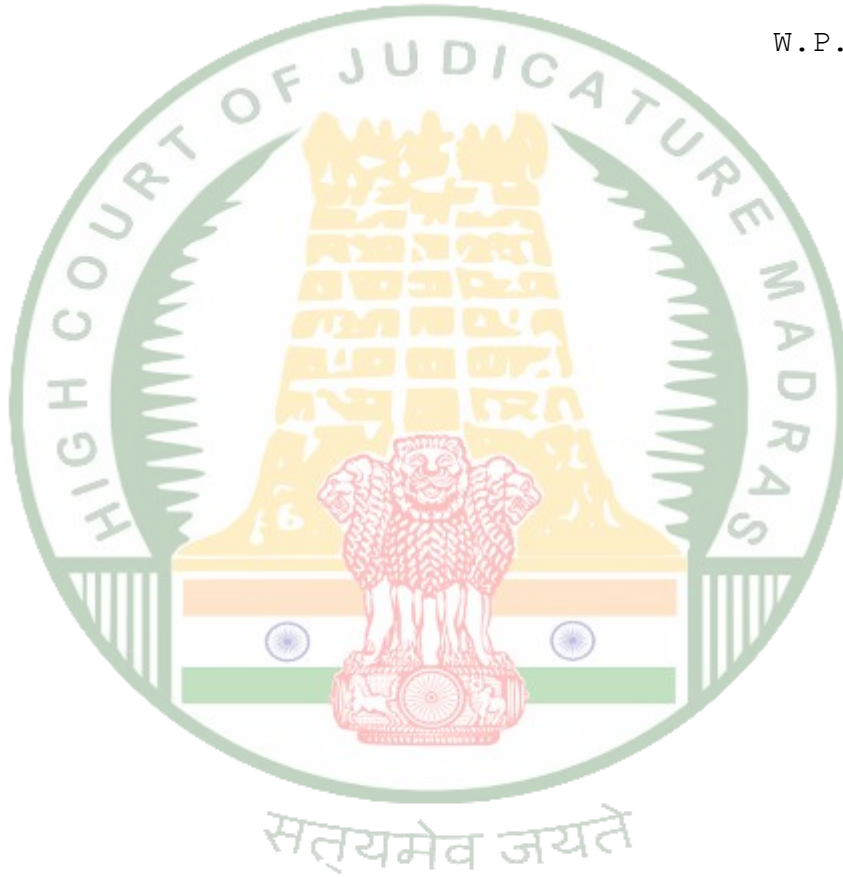
To

The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Generation & Distribution Corporation,
Konganapuram - 637 102.

1 cc to Mr.T.N.Rangesh Kanna, Advocate, Sr. 28541
1 cc to Mr.R.Marudhachalamurthy, Advocate, Sr. 28532
1 cc to Mr.S.K.Rameshwar, Advocate, Sr. 28838

W.P.No.24312 of 2014
And
M.P.No.1 of 2014

VD (CO)
kk 22/6



WEB COPY