

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 2601 of 2015

R. Krishnamoorthy

..Petitioner

Vs.

1. The Chairman/Electricity,
Tamil Nadu Electricity Board,
No. 144, Anna Salai,
Chennai 600 002.
2. The Assistant Engineer (O & M),
Kodungaiyur Tamil Nadu Electricity
Board, Sembiam, Chennai 11,
Perambaur Division,
Chennai Electricity Distribution
Circle (North).

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to remove the pillar that stands erected in the middle of the 2nd street, Venkateswara Nagar, Kodungaiyur, Chennai 600 118 just in front of the petitioner's residential house in premises bearing No.1, Selva Vinayagar Nagar 2nd Street, Venkateswara Nagar, Kodungaiyur, Chennai 600 118 and erect the same towards western side to avoid running of the high tension overhead line over the terrace of the petitioner's residential house in premises bearing No.1, Selva Vinayagar Nagar, 2nd Street, Venkateswara Nagar, Kodungaiyur, Chennai 600 118.

For Petitioner :: Mr.S. Sadasharam

For Respondents :: Mr.P.R. Dhilipkumar for TNEB

सत्यमेव जयते
O R D E R

The petitioner has approached this Court seeking issue of a Writ of Mandamus directing the respondents to remove the pillar that stands erected in the middle of the 2nd street, Venkateswara Nagar, Kodungaiyur, Chennai 600 118 just in front of the petitioner's residential house in premises bearing No.1, Selva Vinayagar Nagar 2nd Street, Venkateswara Nagar, Kodungaiyur, Chennai 600 118 and erect the same towards western side to avoid running of the high tension overhead line over the terrace of the petitioner's residential house.

2. Heard the learned counsel on either side.

3. Though the petitioner contends that high tension overhead line for power supply runs across his residential house over the open terrace, a perusal of paragraph No.4 of the counter affidavit filed by the 2nd respondent would make it very clear that an L.T. 4 wire line was existing in the petitioner's plot even prior to construction of his residential building; that while effecting the above said service connection to the petitioner's building, there was sufficient horizontal as well as vertical clearance between the existing L.T. line and residential building and that after obtaining service connection, the petitioner extended his building below the existing L.T. Line. Further, in paragraph No.6 of the counter affidavit, it is stated that the TANGEDCO is ready and willing to shift the above said L.T. 4 wire line from the petitioner's land, if the petitioner submits proper D.C.W. Application and pay the necessary estimate charges towards the said shifting work.

4. In view of the statement made in paragraph No.6 of the counter affidavit, if the petitioner is interested in shifting the L.T. 4 wire line from his land, the petitioner is at liberty to submit a D.C.W application and also pay the necessary estimate charges towards shifting work. On receipt of such application and the necessary estimate charges, the respondents shall consider the request of the petitioner and shift the L.T. Wire line from his land within a period of four weeks from the date of payment made by the petitioner. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

nv

To

1. The Chairman/Electricity,
Tamil Nadu Electricity Board,
No. 144, Anna Salai, Chennai 600 002.
2. The Assistant Engineer (O & M),
Kodungaiyur Tamil Nadu Electricity
Board, Sembiam, Chennai 11,
Perambalur Division,
Chennai Electricity Distribution
Circle (North).

1 cc to Mr.S. Sadasharam , Advocate Sr.No.46379

1 cc to Mr.P.R. Dhilipkumar , Advocate Sr.No.46413

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ctk(co)pmk.18.9.2015