

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.718 of 2015

and M.P.No.1 of 2015

Mr.R.Rajkumar

[Petitioner]

Vs

- 1 The District Collector
Collectorate Office Tiruppur District
Tiruppur
- 2 The Superintending Engineer
Tiruppur Electricity Distribution Circle
Tamilnadu Electricity Generation and
Distribution Co. Udumalpet
Tiruppur District
- 3 The Assistant Engineer (O &M)
Udumalpet East Tamilnadu Electricity
Generation and Distribution Co. Udumalpet
Tiruppur District.
- 4 M/s Raj Fabrics,
rep. by its Partner
Mr.N.Ponnuraj
No.4, Sabiya Bidi Layout
South of Railway line
Udumalpet,
Tiruppur 642 126.
(R4 impleaded as per order dated
18.2.2015 in M.P.No.2/15)

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent to consider the objection of the petitioner dated 02.01.2015 in accordance with provisions of Works of Licensee Rules 2006.

For Petitioner : Mr.P.Mathivanan

For Respondents : Mr.R.M.Muthukumar (R1)
Mr.S.K.Rameshwar (R2 & 3)
Mr.K.Sasindran (R4)

ORDER

Heard Mr.P.Mathivanan, learned counsel for the petitioner, Mr.R.M.Muthukumar, learned counsel for the 1st respondent, Mr.S.K.Rameshwar, learned counsel for the 2nd and 3rd respondents and Mr.K.Sasindran, learned counsel for 4th respondent.

2. The petitioner has filed the above writ petition to issue a writ of mandamus directing the 1st respondent to consider the objection of the petitioner dated 02.01.2015 in accordance with the provisions of "Works of Licensee Rules, 2006".

3. According to the petitioner, he is in possession and enjoyment of an extent of 1.91 hectares and 69.50 Ares in Survey No.291/2B and 779/2A 1 in Thottam, Kannamanaickanur, Udumalaipet Taluk, Tirupur District. On enquiry, the petitioner came to understand that the respondents 1 to 3 are conducting inspection for replacing the existing electricity poles. On 22.12.2014, the employees of respondents 2 and 3 started digging pits in the new location in the lands belonging to the petitioner for erection of electricity poles. However, with the assistance of the neighbouring land owners, they were prevented from carrying out any action in furtherance of the proposed work. According to the petitioner, if the proposed action of the Electricity Board is allowed to proceed, the standing trees and crops will get affected in the petitioner's land. Therefore, on 23.12.2014, the petitioner gave his objection before the 1st respondent to conduct an enquiry on the objection for removal of electrical poles.

4. The 2nd respondent filed his counter wherein he has stated that there is no newly proposed high tension electric wire to be erected in the petitioner's land and as regards the existing HT line which is already running through the petitioner's land and other lands alone is now proposed to be strengthened with higher size electric wire on existing span.

5. The learned counsel for the respondents 1 and 2 submitted that the 4th respondent has given a letter dated 29.01.2015 wherein he has stated that he is willing to bear the expenses for effecting alternative route for installing electricity poles to take service connection to his property.

6. The change in the alignment was proposed at the instance of the 4th respondent. Now that the 4th respondent has given a letter that the alignment of electricity poles can be changed and that they are willing to bear the expenses for changing the alignment.

7. The learned counsel for respondents 1 and 2 submitted that the recording the submission made by the 4th respondent, the writ petition can be disposed of.

8. Since it is brought to the notice of this Court that the proposed change of alignment would affect the lands belonging to the petitioner and also that the 4th respondent is willing to bear the expenses for changing alignment without touching the lands of the petitioner, I direct the respondents 2 and 3 to consider the objection of the petitioner dated 02.01.2015 filed by the petitioner taking into consideration the letter of the 4th respondent dated 29.01.2015 and the respondents 2 and 3 shall effect change of line within three weeks from the date of payment to be made by the 4th respondent.

The writ petition is disposed of with the above direction. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar
Dated:20.2.15

True Copy

Sub Assistant Registrar

To

- 1 The District Collector
Collectorate Office Tiruppur District
Tiruppur
- 2 The Superintending Engineer
Tiruppur Electricity Distribution Circle
Tamilnadu Electricity Generation and
Distribution Co. Udumalpet
Tiruppur District
- 3 The Assistant Engineer (O &M)
Udumalpet East Tamilnadu Electricity
Generation and Distribution Co. Udumalpet
Tiruppur District.

+1 cc to Mr.K.Sasindran, Advocate,SR.9083

+1 cc to Mr.P.Mathivanan, Advocate,SR.8925

+1 cc to Government Pleader,SR.9236

+1 cc to Mr.S.K.Raameshkumar, Advocate,SR.9173.

sv(co)
krd 20/2

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