

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P. No. 9066 of 2015

&

M.P. No. 1 of 2015

M. Ananthi

...Petitioner

Vs.

1. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
No.33, K.V. Complex,
MMDA Colony,
Maduravayal,
Chennai - 95.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
No.33, K.V. Complex,
MMDA Colony,
Maduravayal,
Chennai - 95.

...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to consider petitioner's representation dated 13.03.2015 and further direct the respondents to remove the electricity pole installed by them just opposite to the door of petitioner's company and instal it in some other suitable places.

For Petitioner : Mr.A. Gouthaman

For Respondents : Mr.P.R. Dhilipkumar

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 13.03.2015 and further direct the respondents to remove the electricity pole installed by them just opposite to the door of petitioner's company and instal it in some other suitable place.

2. The petitioner contends that he is the absolute owner of the property situated in Survey No. 285, Plot No.7, measuring to an extent of 3157 sq.ft situated in 1st Street, Srinivasa Nagar, Maduravayal Village, Ambattur Taluk, Tiruvallore District, purchased by way of registered sale deed dated 03.09.2009, wherein he is running a small company for the past 5 years manufacturing electrical panel. According to the petitioner, recently, the respondents installed electric pole just opposite to the front door of his company. Though the petitioner gave his objection to the respondents stating that the erection of electric poles is affecting ingress and egress out of his property, no steps were taken to remove the electric pole. Therefore, the petitioner gave a representation to the respondents on 13.03.2015 raising his objection and requesting the respondents to remove the electricity pole and instal it in some other place. However, no orders were passed on the said representation. Hence, the present writ petition.

3. Heard Mr.A. Gouthaman, learned counsel for the petitioner and Mr.P.R. Dhilipkumar, learned counsel for the respondents.

4. Though the learned counsel for the petitioner would submit that the erection of electricity pole obstructs ingress and egress out of his property, learned counsel for the respondents produced photographs to show that the main entrance of the petitioner's company is away from the pole erected and the petitioner has deliberately create a new entrance behind the pole erected to make it appear to this Court that the erection of pole affects entry into his property.

5. A perusal of the photographs fortifies the submission made by the learned counsel for the respondents. The photographs reveal that the petitioner has created a new entrance and even the debris is lying in front of the said entrance while the main entrance is away from the pole. Therefore, it is clear that the petitioner has made a new entrance to get an order from this Court, which has to be condemned. Moreover, installation of electric pole is only for public purpose for installing a transformer. The installation of

transformer is going to benefit the people of the area including the petitioner. Hence, the prayer sought by the petitioner cannot be granted and hence, the writ petition is dismissed. No costs. Connected M.P. is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
No.33, K.V. Complex,
MMDA Colony,
Maduravayal,
Chennai - 95.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
No.33, K.V. Complex,
MMDA Colony,
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Chennai - 95.

1 CC to Mr.A. Gouthaman, Advocate SR.No. 46103

1 CC to Mr.P.R. Dhilipkumar, Advocate SR.No. 46160

W.P. No.9066 of 2015

PPA (CO)
PSI (18.09.2015)

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