



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) No.15211 of 2015

WEB COPY

SATHEESH

.. Petitioner

Vs.

THE SUPERINTENDING ENGINEER,
TAMIL NADU ELECTRICITY BOARD,
SUPERINTENDING ENGINEER OFFICE,
SIVAGANGAI ELECTRICITY DISTRIBUTION,
SIVAGANGAI.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a WRIT OF MANDAMUS directing the Respondent to remove the damaged electric pole from the Petitioners land bearing Survey No.257/11, 12, 13 situated at Kamarajar colony, Thiruppachethy North, Thiruppuvanam Taluk, Sivagangai District and erect new Electric Pole in near by Public road.

For Petitioner : Mr.R.Murugappan

For Respondent : Mr.S.M.S.Johnny Basha

ORDER

This writ petition has been filed for a Writ of Mandamus directing the Respondent to remove the damaged electric pole from the Petitioners land bearing Survey No.257/11, 12, 13 situated at Kamarajar colony, Thiruppachethy North, Thiruppuvanam Taluk, Sivagangai District and erect new Electric Pole in near by Public road.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent.

3.It is the case of the petitioner that the lands in Survey No.257/11, 12, 13 situated at Kamarajan colony, Thiruppachethy North, Thiruppuvanam Taluk, Sivagangai District belongs to him and patta also stands in his name as patta No.666. In that land, the petitioner constructed a tiled house and was living there. According to the petitioner on his land, 13 years back, an electric pole was erected by the respondent, now that electric pole was completely damaged and at any time, it will fall down and cause damage to the life of human as well as properties. The petitioner decided to expand his house. Hence, he sent a representation dated 11.07.2015 to the respondent to remove the aforesaid damaged electric pole from his patta land and erect a new electric pole in nearby public road. But the same has not been considered so far. Hence, the petitioner has come forward with

this writ petition for the relief stated supra.

4. When the matter was taken into consideration, the learned counsel for the respondent board objected the prayer of the petitioner stating that earlier the petitioner's father has given an application dated 10.06.2013 to the Assistant Engineer, Thirupachethy, objecting to the electric line drawn through his patta land. While, rejecting his objection, the Assistant Engineer, granted electricity service connection to one Subramanian from the said electric pole. Since the said connection was given to the said Subramanian, the present representation was given to remove the said electricity pole stating that as if the electric pole is standing as a danger to the life of human beings.

5. However, the learned counsel for the petitioner denies the same stating that the electric pole was completely damaged.

6. Considering the submissions made on either side, without going into the merits of the matter, this Court directs the respondent to consider the application of the petitioner dated 11.07.2015 by affording opportunity to other necessary parties, if any, and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the petition.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To
THE SUPERINTENDING ENGINEER,
TAMIL NADU ELECTRICITY BOARD,
SUPERINTENDING ENGINEER OFFICE,
SIVAGANGAI ELECTRICITY DISTRIBUTION,
SIVAGANGAI.

+ 1 CC TO MR.R.MURUGAPPAN, ADVOCATE IN SR NO. 48839

RJ2

TE/NGM-SS/SAR(J) 10/09/2015 2P/3C