



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.16115 of 2015

and

M.P(MD)No.1 of 2015

R.V.Raja

...Petitioner

Vs.

1.The Assistant Executive Engineer,
(Operation & Maintenance),
TANGEDCO,
Kulithalai.

2.The Junior Engineer,
(Operation & Maintenance),
TANGEDCO,
Mayanoor, Kulithalai.

...Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the respondents to remove the electricity line passing upon the petitioner house bearing Door No.7/41 situated at S.No.74/2H1 & 74/2G2.

For petitioner : Mr.R.Murali for
K.Govindarajan

For Respondents: Mr.S.Srimathi

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the respondents to remove the electricity line passing upon the petitioner house bearing Door No.7/41 situated at S.No.74/2H1 & 74/2G2.

2. Mrs.S.Srimathi, learned counsel takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up for final disposal.

4. Along with this writ petition, the petitioner has also filed an application for Injunction restraining the respondents from drawing additional line upon the petitioner's residence bearing Door No.7/41 situated at No.74/2H1 & 74/2G2 at Pappaiyampadi Village, Kadavur Taluk, Karur District.

5.Today, when the matter is taken up for consideration, the respondents have filed a counter affidavit denying all the averments made by the petitioner. In paragraph 4 of the counter affidavit reads as follows:-

"4.I respectfully submit that the representation of the petitioner has two requests, one is not to convert the existing single phase line to three phase line and the same was considered and three phase lines are being drawn in alternative route. The second prayer is to remove the exiting single phase line and if the petitioner is accepting to pay the cost of removal then the same will be considered as per Regulations 5(6) of Tamil Nadu Electricity Supply Code 2004."

Thus, the respondents sought dismissal of the writ petition.

6. At this stage, the learned counsel appearing for the petitioner submitted that the petitioner is prepared to pay the cost for removal of the existing single phase line and hence, the respondent may be directed to communicate the cost for removal to the petitioner.

7. Considering the facts and circumstances of the case, this Court directs the respondents to consider the request of the petitioner and also communicate the petitioner mentioning the costs for removal of the existing line passing upon the petitioner's house, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Executive Engineer,
(Operation & Maintenance),
TANGEDCO, Kulithalai.

2. The Junior Engineer,
(Operation & Maintenance),
TANGEDCO, Mayanoor, Kulithalai.

+1cc to M/s.K.Govindarajan, Advocate in SR.No.54643

W.P(MD).No.16115 of 2015
14.09.2015

AM

PBK/GSV-PM/SAR-II 30/09/2015 ::2P-4C::