

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.04.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.13049 of 2016
and
W.M.P.No.11389 of 2016

P.Anbarasan

...Petitioner

Vs.

1. Rajaram
2. The Superintending Engineer,
Tamil Nadu Electricity Board Caper Quarry,
Cuddalore.
3. The Divisional Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Tamil Nadu Electricity Board
Panruti, Cuddalore District.
3. The Assistant Engineer,
Tamil Nadu Electricity Board,
Kadambuliur, Panruti Taluk,
Cuddalore District.
4. The Vigilance Officer, DGP
Tamil Nadu Generation and Distribution
Corporation Ltd.,
NPKRR Maligai,
No.144, Anna Salai,
Chennai - 600 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the fifth respondent to enquire into the complaint, dated 02.04.2016, given by the petitioner and to take appropriate action, as provided by law and further, to direct respondent 2 to 4 forbearing them from erecting electricity supply poles and lines in Velankuppam Village, Kadambuliur Revenue Village, Panruti Taluk, Cuddalore District, in patta No.1733, Ayan Punja Survey No.29/3A2, measuring an extent of 0.39.0 acres corresponding to

old S.No.687/2 in 0.39 acres, pending disposal of the enquiry by the fifth respondent.

For Petitioner : Mr.N.Baskaran

For Respondents 2-5 : Mr.M.Varun Kumar
Standing Counsel for TNEB

O R D E R

Heard Mr.N.Baskaran, learned counsel appearing for the petitioner and Mr.M.Varun Kumar, the learned Standing Counsel for respondents 2 to 5. As this Court does not propose to examine the rival contentions between the petitioner and the first respondent, and is not passing any adverse orders against the first respondent, notice to the first respondent is dispensed with.

2. The petitioner has filed this Writ Petition, praying for issuance of a writ of mandamus to direct the fifth respondent, who is the Vigilance Officer of Tamil Nadu Generation and Distribution Corporation Ltd., (TANGEDCO) to embark upon and enquire into the complaint given by the petitioner, dated 02.04.2016. The said complaint relates to the stoppage of the activities towards the erection of electricity poles and drawal of electrical lines for the purpose of providing electricity service connection to the first respondent's property.

3. It is seen that the first respondent herein approached this Court by filing a Writ Petition in W.P.No.32529 of 2014, to direct the Superintendent Engineer, viz., the second respondent herein to provide electricity service connection to his property, comprised in S.No.31/2B, situate at Kadampuliyur Sub Division, Panrutti Taluk, Cuddalore District. In the said Writ Petition, the second respondent filed a counter affidavit, from which, it came to light that the petitioner herein has filed a suit in O.S.No.148 of 2014, on the file of the District Munsif Court, Panrutti, without impleading the first respondent herein and the electrical lines were already in existence, in the same position, which was sought to be relaid, and no injunction was granted by the Civil Court, and in such circumstances, the second respondent stated that they were unable to take action in the matter on account of the pendency of the proceedings before the Civil Court. In that context, this Court pointed out that the second respondent was bound to consider the scope of the

prayer made in the Writ Petition filed by the first respondent herein, whether was genuine and germane, especially, when the case of the second respondent was that the electricity lines were already in existence, in the same position. Therefore, there was a direction to the second respondent/Superintendent Engineer to consider the prayer made by the first respondent herein and to do the needful as expeditiously as possible. It appears that due to some local issues, a criminal complaint came to be lodged against the petitioner herein by the Officials of the respondent/Board, and the complaint has been registered in Crime No.193 of 2015, for alleged offence under Section 506 (ii) IPC. Apprehending arrest at the hands of the Police, the petitioner has approached this Court, seeking anticipatory bail by filing a Criminal Original Petition, viz., Crl.O.P.No.16274 of 2015, and obtained bail on 03.07.2015.

4. Now, in the present Writ Petition, the petitioner contention is that already there are electricity poles, adjacent to the property belonging to the first respondent, therefore, there is no necessity for taking lines from the petitioner's land, hence, the action of the respondent/Board is illegal. This contention has been refuted by the learned Standing Counsel for the respondent/Board by stating that the poles are only in the edge of the property, and there is no illegality. Secondly, the petitioner would contend that there is an alternate route, through which the lines could be drawn, which will not prejudice the petitioner, nor, in any manner, cause inconvenience to the first respondent.

5. In the light of the above dispute, though this Court issued a direction to the second respondent in the earlier Writ Petition, to do the needful in the matter, it does not mean that the second respondent should not conduct any enquiry, especially, when the petitioner has raised objection. Therefore, there will a direction to the second respondent to conduct an enquiry into the matter and after issuing notice to the petitioner as well as the first respondent, and thereafter, proceed to take action in accordance with law. The factual averments, which have been stated in this Writ Petition as well as what has been stated by the first respondent in his Writ Petition, viz., in W.P.No.32529 of 2014, are all left open to be considered by the second respondent after taking note of all the contentions put forth by both the parties, mainly, the contention put forth by the petitioner herein with regard to the availability of alternate route, as stated in para No.4 of this order. The above direction, be complied with by the second respondent within a period of two weeks from the date of receipt of a copy of this order.

6. With the above observations and directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer,
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Cuddalore.
2. The Divisional Engineer,
Tamil Nadu Generation and Distribution
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Tamil Nadu Electricity Board
Panruti, Cuddalor District.
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4. The Vigilance Officer,
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Corporation Ltd.,
NPKRR Maligai,
No.144, Anna Salai,
Chennai - 600 002.

+1 cc to Mr.N.Baskaran, Advocate, sr.22115

+1 cc to Mr.M.Varunkumar, Advocate, sr.23021

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