

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NOS.29597 OF 2015 AND 2768 OF 2016
AND CONNECTED MISCELLANEOUS PETITIONS

W.P.NO.29597 OF 2015

S.Prabakaran .. Petitioner

Versus

1.The Chairman
Tamilnadu Generation and Distribution Corporation
NPKRR Building, 156, Anna Salai,
Chennai - 600 002.

2.The Assistant Engineer
Operation and Maintenance
Tamilnadu Generation and Distribution Corporation
Dasanaickenpatti, Salem - 636 201.

3.The Assistant Executive Engineer
Operation and Maintenance
Tamilnadu Generation and Distribution Corporation
Gugai, Salem.

4.V.Rajasekar .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the third respondent to shift the electric line which is going in the middle of the petitioner's land in S.No.41/1 of Nazhikalpatti Village and put the same on the side of the road which is situated on the western side of the petitioner's land.

For Petitioner : Mr.R.Ezhilarasan

For Respondents
1 to 3 : Mr.S.K.Raameshuwar
Standing Counsel for TNEB

For Respondent 4 : Mr.N.Manokaran

W.P.NO.2768 OF 2016

V.Rajasekar

.. Petitioner

Versus

1.The Chairman

Tamilnadu Generation and Distribution Corporation Ltd.,
NPKRR Building, 144, Anna Salai,
Chennai - 600 002.

2.The Assistant Executive Engineer

Operation and Maintenance
Tamilnadu Generation and Distribution Corporation Ltd.,
Gugai, Salem - 636 006.

3.S.Prabakaran

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to relocate the electricity line which is crossing through the petitioner's patta land in R.S.No.41/4G of Nazhikkalpatti Village, Salem Taluk to protect the petitioner's right to property by considering the petitioner's representations dated 02.11.2015, 13.01.2016, 14.01.2016 and 18.01.2016.

(Amendment ordered vide order dated 13.04.2016 in WMP No.8929 of 2016 in W.P.No.2768 of 2016)

For Petitioner : Mr.N.Manokaran

For Respondents

1 and 2 : Mr.S.K.Raameshuwar
Standing Counsel for TNEB

For Respondent 3 : Mr.R.Ezhilarasan

COMMON ORDER

Heard the learned counsel appearing on either side.

2.In these writ petitions, both the petitioners seek for identical relief, wherein their request is to shift an

electricity line, which according to them is passing through the middle of their property.

3.In W.P.No.29597 of 2015, the petitioner S.Prabakaran states that the electricity line is passing through the middle of his land in S.No.47/1, Nazhikalpatti Village.

4.The petitioner in W.P.No.2768 of 2016 viz., V.Rajasekar states that the electricity line, which is crossing through his patta land in R.S.No.41/4G, in Nazhikalpatti Village, Salem Taluk, has to be shifted so as to protect his property.

5.The respondent Electricity Board has filed counter affidavit in both the writ petitions and the stand taken is identical, since there is no title dispute between both the petitioners and each wants the electricity line to be shifted. The respondent Electricity Board would state that the shifting could be done only after ascertaining as to whether S.No.40/4G is a patta land or a public road.

6.The petitioner V.Rajasekar's (petitioner in W.P.No.2768 of 2016) contention is that the land is a patta land. This fact has to be ascertained after fresh survey and the Tahsildar has to be given appropriate direction.

7.From the sketch produced by both the petitioners, it appears that there is a road leading to the burial ground shown as Mayana Padhai and the electricity line, which is passing through the petitioner S.Prabakaran's property could be shifted through the Mayana Padhai after due verification. If it is a road or a public pathway, then there cannot be any valid objection to the same. So far as the request of the petitioner S.Prabakaran is concerned, from the sketch produced by the petitioner, it is seen that the pole is located in the corner of the petitioner's property and not inside the petitioner's property and the electricity line is crossing only through the edge of the property. In any event, if there is any objection, the respondent Board may consider the same, after ascertaining from the Tahsildar as to the classification of the land.

8.In the light of the above, the writ petitions are disposed of by directing the second respondent Assistant Executive Engineer, Operation and Maintenance, TANGEDCO, Gugai,

Salem to consider the petitioners' representation and seek clarification from the concerned Tahsildar so as to ascertain the classification of land in S.No.40/4G and if satisfied that there can be no objection for placing the pole or drawing the electricity line across the said land, on appropriate charges being remitted by both the petitioners, necessary steps be taken to shift pole / electricity line, in accordance with the regulations, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

TK

To

- 1.The Chairman
Tamilnadu Generation and Distribution Corporation
NPKRR Building, 156, Anna Salai,
Chennai - 600 002.
 - 2.The Assistant Engineer
Operation and Maintenance
Tamilnadu Generation and Distribution Corporation
Dasanaickenpatti, Salem - 636 201.
 - 3.The Assistant Executive Engineer
Operation and Maintenance
Tamilnadu Generation and Distribution Corporation
Gugai, Salem.
- 2 ccs to Mr.N.Manokaran, Advocate, sr.23411, 23412
2 ccs to Mr.R.Ezhilarasan, Advocate, sr.23382, 23383
1 cc to Mr.S.K.Raameshuwar, Advocate, sr.23356

W.P.NOS.29597 OF 2015 AND 2768 OF 2016

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