

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.40191 of 2016
and WMP No.34225 of 2016

1.Rangasamy
2.R.Geetha
3.Rathnammal
4.Padma
5.Jothi
6.Venkatesan

...Petitioner

Vs

1.Government of Tamil Nadu
Represented by its Secretary,
Department of Electricity,
Fort St. George, Chennai - 600 009.

2.The Assistant Engineer,
Tamilnadu Electricity Board (TANGEDCO)
Varattanapalli,
Krishnagiri - 635 120.

3.R.Nagarajan

4.R.Jayaraman

5.Purushothamman

...Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the respondent to consider the petitioner's representation dated 01.06.2016 to remove the unauthorised Electric power supply lines passing through in petitioners Survey Nos.152/B1, 153/1 and 128/7 situate at Kammampalli Village, Krishnagiri Taluk and District.

For Petitioner : Mr.Chandrasekar.P

For R-1 : Mr.T.M.Pappiah,
Special Govt. Pleader

For R-2 : Mr.M.Varunkumar

O R D E R

The petitioners are the owners of the property comprised in Survey No.152/B1, 153/1 and 128/7 situate at Kammampalli Village, Krishnagiri Taluk and District .

2. The main contention of the petitioners is that the third and fourth respondents got electricity service connection to their property and for getting electricity service connection, line has been drawn over and above the above mentioned petitioners' property. Because of drawing of the line over and above the petitioner's property, many times electricity connection has been cut off and it endangers security of the petitioners. Since the objection of the petitioners' father dated 29.11.2006 in this regard to remove the line which has been drawn unauthorisedly has not been considered, the petitioners have approached this court by way of this writ petition.

3. Heard Mr.P.Chandrasekar, learned counsel appearing for the petitioners, Mr.T.M.Pappiah, learned Special Government Pleader appearing for the first respondent and Mr.M.Varunkumar, learned standing counsel who takes notice on behalf of the second respondent.

4. There is no dispute with regard to the ownership of the property. The electricity line which is alleged to have been drawn unauthorisedly over and above the petitioners' property as early as on 2006 is sought to be removed from the petitioners' property. It is not a new electricity service connection and the line was drawn as early as on 2006, as admitted by the petitioner himself by filing objection of petitioners' father dated 29.11.2006 objecting drawal of the line over and above their property. A reply has been given by the respondent on 27.06.2016 stating that the line was drawn as early as on 27.11.2006, even before the objection given by the petitioners' father for drawal of line on 29.11.2006. No further action has been taken at that point of time. After a passage of one decade, the petitioners now contend that the line has been drawn unauthorisedly. It cannot be said as an unauthorised one as it has been accepted by the petitioner that the line is in existence for almost ten years.

5. The judgments relied upon by the learned counsel for the petitioners viz. 1993 (3) MLJ 235 [Kannappan v. The Commissioner, Tiruvottriyur Municipality, Madras and 2007 (2) MLJ 111 [BHEL v. TNEB] are with regard to erection of towers, inspite of objection at the time of erection itself. Whereas in this case, the erection as well as drawing of line took place about ten years ago. Hence, the said judgments relied upon by

the learned counsel for the petitioners are not applicable. The petition fails.

6. In the result, this writ petition is dismissed. No costs. Consequently, connected W.M.P is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rgr

To

1.The Secretary,
Government of Tamil Nadu,
Department of Electricity,
Fort St. George,
Chennai - 600 009.

2.The Assistant Engineer,
Tamilnadu Electricity Board (TANGEDCO)
Varattanapalli,
Krishnagiri - 635 120.

+ 1 cc to Mr.Varunkumar, Advocate Sr.66783
+ 1 cc to Mr.P. Chandrasekar, Advocate Sr.66319

W.P. No.40191 of 2016

GJII(CO)
EU 21.12.16

सत्यमेव जयते

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