

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.6489 of 2016
and
WMP.No.5770 of 2016

B.Arumugam

... Petitioner

Versus

1. The Assistant Executive Engineer
TNEB, Manur, Tindivanam.

2. The Executive Engineer, TNEB
Tindivanam.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records of the 1st respondent in his proceeding K.No.U.Me.Po./E.Ea.Pa/Manur/Ko.Kattu/A.No.352/15-16 dated 23.05.2015 and the estimate Memo NO.AEE/Towen/TDM/C1/PRO No.012/15-16 dated 11.05.2015 and quash the same.

For Petitioner : Mr.S.Mazhimenipandiyan

For R1 & R2 : Mr.M.Varunkumar

ORDER

Heard the learned counsel appearing for the petitioner ; and Mr.M.Varunkumar, learned Standing counsel accepting notice on behalf of the respondents and with their consent, the writ petition is taken up for final disposal at the admission stage.

2. The petitioner has filed this writ petition seeking set aside the proceedings dated 23.05.2015 issued by the 1st respondent demanding a sum of Rs.26,360/- from the petitioner for shifting the electricity pole.

3. From the photographs produced before this Court in the typed set of papers, it is seen that the electricity pole is situated in the Road Margin and the pole is leaning towards one side and appears to be in an unstable condition. The petitioner

is an agricultural coolie. He apprehended danger not only to himself but to the other residents of the area predominantly residing in thatched huts. However, the respondents considered the representation of the petitioner stating that it is a request made by the petitioner in his personal capacity. When the fact remains that the petitioner is concerned about the safety and security of not only himself but other people who all come from poor, economic background. That apart, the pole is situated in the road margin and therefore, the respondent Board has to ensure that the pole is located in a safe distance especially, when there are several thatched huts in the area. Hence, there would be no justification on the part of the respondents in demanding shifting charges from the petitioner as the pole is on the public road and the Board has to do it at their cost.

4. In the light of the above discussion, the writ petition is allowed and the impugned demand made vide proceedings of the 1st respondent dated 23.05.2015 against the petitioner is set aside and the respondent / Electricity Board is directed to shift the electricity pole to a safe distance and ensure safety of the public and the cost of shifting shall be borne by the respondent / Electricity Board. The above direction shall be complied with within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Assistant Executive Engineer
TNEB, Manur, Tindivanam.
2. The Executive Engineer, TNEB
Tindivanam.
Chennai 600078.

+1cc to Mr.M.Varunkumar, Advocate, S.R.No.11587
+1cc to Mr.P.Bakiyaraj, Advocate, S.R.No.11530

W.P.No.6489 of 2016

SAI (CO)
CA(04/03/2016)