



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

CORAM:

THE HONOURABLE **MR.SANJAY KISHAN KAUL, CHIEF JUSTICE**

AND

THE HONOURABLE **MR.JUSTICE S.NAGAMUTHU**

W.P. (MD) .No.16827 of 2016

and

W.M.P. (MD) No.12204 of 2016

A.Kondappan : Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Superintendent Engineer,
TANGEDCO,
Bye-pass Road,
Dindigul.

3.The Executive Engineer (Distribution),
TANGEDCO,
Batlakundu,
Dindigul District.

4.The Assistant Engineer (Maintenance),
TANGEDCO,
Sithayankottai,
Dindigul District.

5.M/s.Kamathanu Milk Dindigul Pvt. Ltd.,
Rep. by its Director,
V.Rajendran

[R-5 impleaded as per the order of this Court
dated 26.09.2016,

in W.M.P. (MD) No.13108 of 2016] : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 to 4 not to proceed with the work of laying electricity wire and erecting towers on their selected route at the middle of our village i.e. Velakoundanpatti Village, Authur Taluk, Dindigul District till a final decision is taken by the first respondent with regard to the re-alignment of such route based on our representations dated 09.02.2015 and 26.09.2015.



For Petitioner : Mr.R.Anand
For Respondent No.1 : Mr.M.Govindan,
Special Government Pleader
For Respondents 2to4 : Mrs.S.Srimathy
For Respondent No.5 : Mr.M.R.Sreenivasan

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O R D E R

[Order of the Court was made by
The Hon'ble The Chief Justice]

The petitioner seeks to file a Public Interest Litigation on account of a high-tension electricity line being laid in the middle of the Village i.e., Velakoundanpatti Village, Authur Taluk, Dindigul District, for the benefit of the fifth respondent, by the fourth respondent.

2. The petitioner claims that the Villagers have raised an objection and the work was initially stopped, but, thereafter, recommenced. It is his say that there are alternative routes available and there is no need to take the line through the Village. The petitioner seeks to raise various objections; "it will obstruct rising construction of houses; magnetic effect; certain trees would be cut; alternative route, etc."

3. We may notice that the work in respect of drawing electric line is already over. In the counter-affidavit, it is stated that the alignment of the line has been drawn along the common road and most of the Villagers have accepted the same, but only some are still objecting. No part of patta land is effected along the line of the road. The loss of any trees, etc., is also denied.

4. The learned counsel for the petitioner did seek to contend by reference to the provisions of Clause 27(6) of the Tamil Nadu Electricity Distribution Code - the requisitions for supply of energy, as per the said Clause required that where the intending consumer's premises has no frontage on a street and the supply line from the licensee's mains has to go upon, over or under the adjoining premises of any other person, the intending consumer shall arrange at his/her own expense for any necessary way leave, licence or sanction before the supply is effected. If objections are raised, the intending consumer has to arrange once again such way leave, licence or sanction before the supply is effected. In view of the objections by the petitioner and other Villagers, it is stated that lines ought not to have been installed.

5. We are unable to accept the above said plea for the reason that the very premises, in which this Clause applies, is absent in the present case, as no patta land is effected by the line. The situation envisaged under this Clause arises only when the line



has to go over a patta land.

6. In view of the aforesaid reasons, we find no merit in the Writ Petition and, therefore, dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

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Sd/-
Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To

The District Collector,
Dindigul District,
Dindigul.

+1cc to M/S.S.M.S.JOHNNY BASHA,ADVOCATE, SR NO: 58149
+1cc to M/S.M.R.SREENIVASAN,ADVOCATE, SR NO: 58085
+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 58551

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JA-GSV-PM-13.10.2016-3P:5C

Order made in
W.P.(MD).No.16827 of 2016
Dated: 03.10.2016