



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2016

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition(MD)No.370 of 2016

Satheesh

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Superintending Engineer Office,
Sivagangai Electricity Distribution,
Sivagangai,
Sivagangai District.

2.The Assistant Electrical Engineer,
Tamil Nadu Electricity Board,
Thirupachathi,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of Ka.No.Me.Po/pa/Thi.Sethi/Va.Mea/Thani/A.No.196/15, dated 21.12.2015 passed by the second respondent and quashing the same and consequently directing the respondents to remove the damaged electric pole from the petitioner's land and erect a new electric pole in nearby public road.

For Petitioner
For Respondents

: Mr.M.Kalamurugappan
: Mr.S.M.S.Johny Basha

ORDER

The petitioner is aggrieved against the proceedings dated 21.12.2015 issued by the second respondent.

2. Mr.S.M.S.Johny Basha, learned counsel takes notice for the respondents and by consent of both parties, the main Writ Petition itself is taken up for final disposal.

3. The very same petitioner approached this Court earlier and filed a Writ Petition in W.P(MD)No.15211 of 2015 seeking for a



Mandamus directing the respondent therein to remove the damaged electric pole from the petitioner's land and erect new electric pole in nearby public road.

4. This Court by an order dated 24.08.2015 directed the authorities to consider the petitioner's application dated 11.07.2015 and pass appropriate orders on merits and in accordance with law. Thereafter, in order to comply with the order passed by this Court, when the authorities visited the property of the petitioner, it appears that the petitioner has covered the damaged pole and not allowed the officials to remove the same for erecting the new one. The above said fact is evident in the impugned order. It is also stated in the impugned order that the petitioner has to pay the necessary charges for shifting the electric pole as per the estimate prepared by the Department.

5. Thus, the impugned communication is only saying that the petitioner has to co-operate and pay the charges as estimated by the electricity department and thereafter, the electric pole will be shifted as per the seniority list. I do not find any infirmity or irregularity in the order passed by the second respondent, which is passed purely in accordance with the direction issued by this Court. Accordingly, I do not find any ground to interfere with the said order. Consequently, this Writ Petition is dismissed, however, by directing the petitioner to co-operate with the department for shifting the electric pole by paying the necessary charges. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Superintending Engineer Office,
Sivagangai Electricity Distribution,
Sivagangai,Sivagangai District.
 - 2.The Assistant Electrical Engineer,
Tamil Nadu Electricity Board,
Thirupachathi, Sivagangai District.
- +1cc to Mr.S.M.S.Johnny Basha,Advocate Sr.No.1985
+1cc to Mr.R.Kalamurugappan,Advocate Sr.No.1484

ps

AA/JGB-DP/21.01.2016/2p-5c

W.P(MD)No.370 of 2016
08.01.2016