

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1192 of 2017

G.Angathal

.. Petitioner

-vs-

1. The District Collector
Tiruppur District
 2. The Assistant Executive Engineer
Tamil Nadu Electricity Board
No.15, Velampalayam
Tiruppur-7
 3. The Divisional Engineer
Tamil Nadu Electricity Board
Tiruppur-7
 4. The Assistant Engineer
Tamil Nadu Electricity Board
Vavipalayam, Poluvappatti
Tiruppur-7
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the fourth respondent and his men or agents from laying electricity HD line over the petitioner's house situated in SF.No.19, Valuvu Thottam, S.Periyapalayam Post, Tiruppur District.

For Petitioner :: Mr.P.Tamilavel

For Respondents :: Mr.M.Elumalai

Government Advocate for R1
Mr.S.K.Rameshuwar
for R2 to 4

ORDER

Tmt.G.Angathal, W/o R.Govindasamy, claiming to be the owner of the house property under a registered sale deed dated 30.5.2002 bearing Document No.540 of 2002 on the file of the Sub Registrar, Uthukuli, has brought this writ petition seeking a writ of mandamus, forbearing the Assistant Engineer, Tamil Nadu

Electricity Board, Vavipalayam, Poluvappatti, Tiruppur and his men or agents from laying the electricity HD line over her house situated in S.F.No.19, Valuvu Thottam, S.Periyapalayam Post.

2. The claim of the petitioner shows that she is residing in S.F.No.19, Valuvu Thottam, S.Periyapalayam Post after purchasing the same from one Subbathal under a sale deed dated 30.5.2002 bearing Document No.540 of 2002 executed on the file of the Sub Registrar, Uthukuli. Since her husband died and her two daughters, who were married, are living separately, she is living alone. In the meanwhile, the fourth respondent is laying the HD electricity line over her tiled house, which is a patta land. As the work has been started without calling for any objection from the petitioner, she was under the impression that the electricity line going to be installed will be passing through only on the passage or the pathway. On the contrary, the fourth respondent is trying to lay the HD electricity line over her house. Since this action is in violation of Section 10 (d) and Section 16 of the Indian Telegraph Act 1885, the fourth respondent is not supposed to lay any line without getting objection from the owner. Moreover, there is a poramboke land situated adjacent to the petitioner's land. If the fourth respondent is very particular about the erection of the HD electricity line over the petitioner's house, the poramboke land abutting the petitioner's land can be made use of. Apprehending the untoward decision going to be taken by the respondents, she made a representation on 7.1.2017. But the same turned on deaf ears. Therefore, being a widow, she has been advised to approach this Court for the relief as mentioned above.

3. Mr.S.K.Rameshuwar, learned standing counsel for the respondents 2 to 4, taking instructions from Mrs.R.Thamil Selvi, Assistant Engineer (O&M), Pooluvapatty, who is also present, placing on record the written instructions dated 20.1.2017 given by the said officer, submitted that although the posts have been erected only in the Government land, no line is going to cross over the petitioner's land. He also submitted that based on the application of the Assistant Executive Engineer, Public Works Department seeking the help of the respondents 2 to 4 for the purpose of putting up the treatment plant, the respondents have erected the posts only in the Government road at Kulathupalayam area.

4. Therefore this Court, finding that the apprehension of the petitioner is sufficiently taken care of by the respondents 2 to 4 through the written instructions given to their counsel, placing on record the said written instructions that they are not going to lay any HD electricity line over the petitioner's tiled house in S.F.No.19, Valuva Thottam, is disposing of this writ petition directing the respondents 2 to 4 not to erect any

HD electricity line over the petitioner's tiled house.
Consequently, W.M.P.No.1132 of 2017 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

1. The District Collector
Tiruppur District
2. The Assistant Executive Engineer
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3. The Divisional Engineer
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4. The Assistant Engineer
Tamil Nadu Electricity Board
Vavipalayam, Poluvappatti
Tiruppur-7

+1cc to Mr.P. Tamilavel, Advocate, S.R.No.4259

vg(CO)
md(08/02/2017)

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