

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 04.10.2017

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P.(MD)No.18424 of 2017

T.Murugesan

... Petitioner

Vs.

1.The Chief Engineer (Distribution),
TANGEDCO,
Trichy Zone,
Trichy - 18.

2.The Assistant Engineer,
Operation and Maintenance,
TANGEDCO, Swamimalai,
Thanjavur District.

3.Savithiri

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents No.1 & 2 to remove 2-Electric Poles and connected Stay wire fixed on 13.8.2017 from the petitioner's cultivating land in Survey No.14/2 in Swamimalai Village, Kumbakonam Taluka, Thanjavur District, and to shift to 3rd Respondent's own land on the west of petitioner's land, by considering petitioner's representation dated 14.08.2017 within the period stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Haja Mohideen

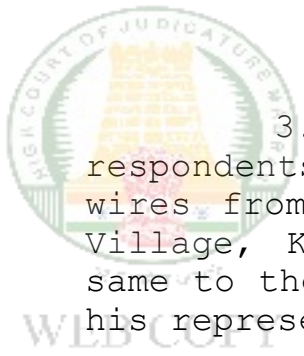
For Respondents : Mr.EP.Venkateshwar

for Mr.SMS Johny Basha for R.1 & R.2

ORDER

By consent, this writ petition is taken up for final disposal at the stage of admission itself.

2.Mr.EP.Venkateshwar, learned Counsel takes notice for respondents 1 & 2. Notice to the third respondent is dispensed with, as no adverse order is going to be passed in this petition and opportunity of hearing will be given, by the authorities, at the time of hearing.



3.The petitioner seeks a Writ of Mandamus, directing the respondents 1 & 2 to remove the Electric Poles and connected stray wires from his cultivating land in Survey No.14/2 in Swamimalai Village, Kumbakonam Taluka, Thanjavur District and to shift the same to the land belonging to the third respondent, by considering his representation dated 14.08.2017.

4.It is seen that based on the application submitted by the third respondent for electricity connection, the respondents are taking steps to erect poles through the petitioner's land, for which he raised his objections before the respondents. By communication dated 26.08.2017, the second respondent directed the petitioner to produce all the necessary documents, so as to prove his title over the same. It is the further case of the petitioner that in the meanwhile, the respondents are trying to erect the electric poles and aggrieved thereby, the petitioner is before this Court.

5.Considering the facts and circumstances of the case, this Court is of the view that it will serve the purpose, if the petitioner is directed to appear before the second respondent, along with all the required documents. Accordingly, this writ petition is disposed of, directing the petitioner to produce all the required documents before the second respondent within a period of two weeks from the date of receipt of a copy of this order, who in turn is directed to consider the same and pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the third respondent, within a period of four weeks thereafter. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Chief Engineer (Distribution),
TANGEDCO, Trichy Zone, Trichy - 18.

2.The Assistant Engineer, Operation and Maintenance,
TANGEDCO, Swamimalai, Thanjavur District.

+1cc to M/S.A.HAJA MOHIDEEN, Advocate SR.No.81731

gk

MAS/SKN-RSK/SAR2:09.10.2017:2P-4C

W.P. (MD) No.18424 of 2017

04.10.2017