



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) No.2171 of 2017

and

W.P (MD) No.13712 of 2016

and

W.M.P (MD) Nos.10213 & 10214 of 2016 & 897 of 2017

W.P (MD) No.2171 of 2017

K.P.K.Veeraprabakaran

.. Petitioner

Vs.

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
Madurai.
2. The Executive Engineer,
Tamil Nadu Electricity Board,
Usilampatti, Madurai District.
3. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Elumalai, Peraiyur Taluk,
Madurai District.
4. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Chinnakattalai, Peraiyur Taluk,
Madurai District.

5.M.Danapalan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the new electric pole erected in the narrow north-south public lane situated in S.No.309 and further direct the 1st respondent to take appropriate action against the concerned officials and the 5th respondent for making illegal construction below the electric line and shifting of the electric line, which was already passing through the public street so as to protect the enrichment of the 5th respondent.



For petitioner : Mr.K.Esakki
For R1 to R4 : Mrs.Rajeshwari
for Mr.S.M.S.Johnny Basha
For R5 : No Appearance

W.P(MD)No.13712 of 2016 :

M.Danapalan .. Petitioner

Vs.

1. The Tahsildar,
Peraiyur Taluk Office,
Peraiyur,
Madurai District.
2. The Block Development Officer,
Sedapatti, Madurai District.
3. The President,
Perungamanallur Village Panchayat,
Peraiyur Taluk, Madurai District.

4.K.P.K.Veeraprabakaran ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 3rd respondent dated 21.07.2016, quash the same.

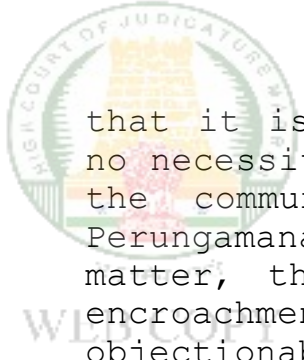
For petitioner : Mr.Niranjana.S.Kumar
For R1 : Mr.M.Govindan
Special Government Pleader
For R2 & R3 : Mr.S.Kumar
For R4 : Mr.K.Esakki
for Mr.H.Arumugam

C O M M O N O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The fifth respondent in W.P(MD).No.2171 of 2017 is the writ petitioner in W.P(MD).No.13712 of 2016. He challenges the order dated 21.07.2016 passed by the third respondent panchayat President for removal of the encroachment in question.

2.This Court directed the Tahsildar, Peraiyur, to submit a report after conducting survey and after issuing notice to the interested parties. The Tahsildar submitted a report dated 21.08.2017. The encroachment committed by the petitioner in W.P(MD).No.13712 of 2016 was confirmed. But it is seen that the encroachment is extremely negligible and small. It is also seen



that it is an unobjectionable encroachment. Therefore, there is no necessity to remove the said encroachment as of now. Therefore the communication dated 21.07.2016 issued by the President, Perungamanallur Village Panchayat is quashed. In this view of the matter, this Court does not issue any direction to remove the encroachment. If in future, such encroachment becomes an objectionable one, it is always open to the authorities to take action in the matter.

3.W.P.(MD) No.13712 of 2016 is disposed of as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

4.In WP(MD)No.2171 of 2017, the writ petitioner expressed his grievance regarding the shifting of the electric pole which was originally erected near the house of the fifth respondent Dhanabalan. He also wants to be action taken against the officials concerned.

5.The fifth respondent has filed a typed set of papers. It is seen therefrom that the fifth respondent Dhanabalan submitted an application to the Assistant Engineer, Chinnakattalai on 25.06.2016 for shifting of the electric pole concerned. Thereupon, inspection was conducted and an estimate was prepared for payment of Rs.11,430/- by the fifth respondent Dhanabalan. An order to the effect was passed on 27.07.2016. The fifth respondent accordingly remitted the said amount. Thereafter, the electric pole was shifted. It is seen that the entire process was in terms of norms usually followed by the Electricity Board. The said order of communication dated 27.07.2017 has also not been challenged in the manner known to law.

6.Therefore, finding no merit, W.P.(MD) No.2171 of 2017 is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
Madurai.

<https://hcservices.tnpsc.gov.in/hcservices>
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Usilampatti, Madurai District.



3. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Elumalai, Peraiyur Taluk,
Madurai District.

4. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Chinnakattalai, Peraiyur Taluk,
Madurai District.

5. The Tahsildar,
Peraiyur Taluk Office, Peraiyur,
Madurai District.

6. The Block Development Officer,
Sedapatti, Madurai District.

+ 1 cc TO Mr.Niranjan.S.Kumar , Advocate in SR No. 73417
+ 1 cc TO Mr.H.Arumugam , Advocate in SR No. 73602
+ 1 cc TO Mr.H.Arumugam , Advocate in SR No. 73606
+ 1 cc TO Mr.Niranjan.S.Kumar , Advocate in SR No. 73418
+ 1 cc TO The Special Government Pleader in SR No. 73906

Skm

AE/MR KKR/SAR4/28.11.2017/4P/12C

**W.P(MD) No.2171 of 2017
and
W.P(MD) No.13712 of 2016
21.08.2017**