

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

DATED : 27.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P.(MD)No.2780 of 2017

1.C.Selvaraj (died)
2.Soundaravalli
3.Kalaiselvi
4.Geetha
5.Thavamanikandan ... Petitioners
(P2 to P5 are arrayed as the legal heirs of the deceased sole petitioner
vide court order dated 31.10.17 in WMP(MD)No.16125 of 17)

Vs.

1.The Executive Engineer
TANGEDCO, Paramakudi,
Ramanathapuram District.
2.The Assistant Engineer
TANGEDCO,
Muthukulathur Electricity Distribution Circle,
Ramanathapuram District.
3.A.Balaiyan ... Respondents

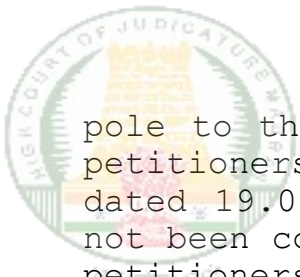
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to shift the electric line on the basis of the petitioner's application dated 19.08.2016 to his house bearing Door No.15/15, Konnayadi Vinayagar Kovil Street, Vadakkoor, Muthukulathur Taluk, Ramanathapuram District.

For Petitioners : Mr.D.Sadiq Raja
For Respondents : Mr.SMS.Johnny Basha - For R1 & R2
Mr.Gomathi Sankar - For R.3

ORDER

This writ petition has been filed by the petitioners to issue a Writ of Mandamus, directing the respondents to shift the electric line on the basis of the petitioners' application dated 19.08.2016 to his house bearing Door No.15/15, Konnayadi Vinayagar Kovil Street, Vadakkoor, Muthukulathur Taluk, Ramanathapuram District.

2. According to the petitioners, the electricity supply to their house is drawn from an electric pole situated at the backside of their house, which is nothing but the patta land of one Ramachandra Nadar. Since, the electricity pole is situated in a third party land, the petitioners requested to shift the electricity



pole to the vacant place opposite to their house. Thereafter, the petitioners submitted an application before the second respondent dated 19.08.2016, to shift the electricity line. As the same has not been considered so far, despite remittance of necessary fee, the petitioners are before this Court, with the aforesaid prayer.

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3. The learned Counsel appearing for the respondents 1 and 2 would submit that the third respondent herein has filed an objection letter in this regard and had also filed a suit in O.S.No.32 of 2000 before the District Munsif Court, Muthukulathur and an exparte decree dated 13.09.2007 came to be passed in favour of the third respondent. It is for this reason, the respondents 1 and 2 are not in a position to consider the claim of the petitioners.

4. In reply to this stand, the learned Counsel for the petitioners has submitted that the suit is not at all related to their claim and hence seeks indulgence of this Court for a direction to the respondents 1 and 2 to consider their claim on merits.

5. Considering the facts and circumstances and also considering the limited scope of the relief sought for by the petitioners, this Court, without going into the merits of the petitioners' claim, directs the respondents 1 and 2 to consider the representation of the petitioners dated 19.08.2016 and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioners, third respondent as well as other interested parties, if any, and also after considering all the documentary evidence placed by the respective parties, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Executive Engineer
TANGEDCO, Paramakudi,
Ramanathapuram District.

2.The Assistant Engineer
TANGEDCO, Muthukulathur Electricity Distribution Circle,
Ramanathapuram District.

+1cc to Mr.D.SADIQ RAJA Advocate in SR. No. 89534

+1cc to Mr.G.GOMATHISANKAR Advocate in SR. No. 89560

RM

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JS/GI/SAR.3/14.12.2017/2P-5C

W.P. (MD) No.2780 of 2017

27.11.2017