



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.4540 of 2017

P.Sadhasivam

...Petitioner

Vs.

1.The Superintending Engineer,
Central Office,
TANGEDCO,
Kovai Road, Karur-2.

2.The Executive Engineer,
Central Office,
TANGEDCO,
Kovai Road, Karur-2.

3.The Assistant Executive Engineer,
(Operation and Maintenance),
TANGEDCO,
Puliyur, Karur District.

4.The Assistant Engineer,
(Operation and Maintenance),
TANGEDCO,
Puliyur, Karur District.

5.V.Kandasamy

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents herein the any manner interfere with my possession and enjoyment over the property in S.F.No.73/15 and 73/16 to an extent of Ac.0.67 of Balarajapuram Village, Krishnarayapuram Taluk, Karur District either by laying the overhead lines of by causing damages to the the standing trees and temple without following the principles of natural justice and without following the due procedures under the Act and Rules by considering the petitioner's representation dated 06.03.2017.

For Petitioner : Mr.G.Ramanathan

<https://hcservices.ecourts.gov.in/hcse/Pices/> For Respondents : Mrs.Rajeshwari
for Mr.S.M.S.Johnny Basha,
Standing Counsel for TNEB

**O R D E R**

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, forbearing the respondents herein the any manner interfering with his possession and enjoyment over the property to an extent of Ac.0.67 of Balarajapuram Village, Krishnarayapuram Taluk, Karur District either by laying the overhead lines or by causing damages to the standing trees and temple without following the principles of natural justice and without following the due procedures under the Act and Rules by considering the petitioner's representation dated 06.03.2017.

2. The learned counsel for the petitioner would submit that the petitioner will be satisfied if a direction issued to the respondents 1 to 4 to consider the petitioner's representation dated 06.03.2017. The petitioner has an objection to extend the electricity line to the 5th respondent or any other person through the petitioner line. The petitioner also submitted that, he will consequently to approach the Civil Court or initiate appropriate action in Criminal Court, if the petitioner's electricity line is extended to other person. The learned counsel for the petitioner relied upon a Judgement of this Court in the case of **N.Manikandan V.The director of Directorate of Tamil Nadu Electricity Boad**, in **W.P.No.31284 and 31286 of 2016** dated 08.09.2016 and in the case of **Dr.B.Shivkumar v.Tamil Nadu Transmission Corporation Limited reported in 2016 (1) CTC 669**. Wherein this Court has observed that, the interest of the individual has to be considered before proceeding to draw the electricity line in the line owned by the private individual.

3.Considering the limited scope of the prayer now sought for before this Court by the learned counsel for the petitioner, without expressing any opinion on the merits of the case, this Court is inclined to pass the following direction:-

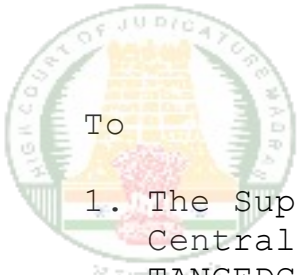
4.The respondent shall consider the representation / objection of the petitioner and pass order on merits and in the light of section 10, 16 and 17 of the Indian Telegraph Act, 1885, as expeditiously as possible. If necessary the respondents shall refer the objection to the District Collector, who is competent to deal with objection.

5.With the above observation, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

1. The Superintending Engineer,
Central Office,
TANGEDCO,
Kovai Road, Karur-2.
2. The Executive Engineer,
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TANGEDCO,
Kovai Road, Karur-2.
3. The Assistant Executive Engineer,
(Operation and Maintenance),
TANGEDCO,
Puliyur, Karur District.
4. The Assistant Engineer,
(Operation and Maintenance),
TANGEDCO,
Puliyur, Karur District.

+1 cc to Mr.C.Ramanathan, Advocate, SR.No. 16548

W.P. (MD) .No.4540 of 2017
21.03.2017

cmr/gsp
MKV-SKN-RSK-SAR 2/19.4.2017/3P-6C