

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.22585 OF 2017
and
WMP No.23704 of 2017

S.Kandasamy

.. Petitioner

Vs.

1.The Assistant Executive Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Nambiambalayam-641670,
Tiruppur District.

2.The Assistant Engineer,
Tamilnadu Electricity Distribution Generation Corporation,
Tiruppur Electricity Distribution Circle,
Nambiambalayam,
Tiruppur District.

3.Karuppusamy

4.Tirumoorthy

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified mandamus to call for the records of order in Ka.no.Umipo/kira/nambi/ka.kootu/a.no:/16 dated 30.07.2016 on the file of the second respondent herein and quash the same and consequently direct the second respondent to provide electricity service connection to petitioner at Avinashi Taluk, Tiruppur District.

For Petitioner: Mr.T.Balaji

For Respondents: Mr.S.K.Rameshwar for R1 and R2
Standing Counsel

Mr.L.Chandrakumar for R3 and R4

O R D E R

The petitioner is aggrieved against the proceedings of the second respondent dated 30.07.2016, wherein and whereby, his application seeking for electricity connection has been rejected

on the reason that the respondents 3 and 4 are objecting to the drawal of power line through a pathway, which according to the petitioner, is a common pathway belonging to the petitioner as well as the respondents 3 and 4 and others.

2.Learned counsel for the petitioner submitted that if the respondents 3 and 4 are having some objection in drawing overhead power line in the said pathway, the petitioner is willing to bear the cost of drawing the power line through the underground cable. Therefore, he submitted that there cannot be any objection for the respondents 3 and 4. He also invited this Court's attention to the pathway document in Doc. No.273 of 2001 dated 08.03.2001, indicating that the petitioner's vendor and the vendors of the respondents 3 and 4 and others have jointly executed the said document expressing their right to enjoy the common pathway in Survey Nos.52/1, 51/2 and 51/1 of Karuvalur village, Avinashi Taluk. Therefore, he submitted that the petitioner may be permitted to draw the power line through underground cable through the common pathway, which will not affect the interest of the respondents 3 and 4 in any manner.

3.On the other hand, the learned counsel Mr.L.Chandrakumar appearing for the respondents 3 and 4 submitted that under the guise of drawing the powerline, the petitioner is trying to interfere with the private property of the respondents 3 and 4 situated in other survey Numbers and therefore, the request of the petitioner need not be considered.

4.The petitioner seeks for providing electricity connection to his premises for which purpose, the power line has to be drawn from the main transformer. However, drawing of the power line overhead is objected by the respondents 3 and 4. Now, the petitioner has come forward with the proposal to draw the power line through underground cable, that too, in a common pathway situated in Survey Nos.52/1, 51/2 and 51/1, as stated supra. He also invited this Court's attention to the pathway document placed in the typedset of papers.

5.Learned counsel appearing for the electricity Board submitted that if the petitioner is willing to bear the cost, there will not be any difficulty for the Board to draw the power line underground. The only grievance of the respondents 3 and 4 is that under the guise of drawing the power line, the petitioner will interfere with the personal property of the respondents situated at different survey numbers. Needless to say that when the pathway document refers only to Survey Nos.52/1, 51/2 and 51/1, the petitioner can draw the power line only through the common pathway in those survey numbers and not through any other property, much less the property belonging to the respondents 3 and 4. Accordingly, the writ petition is allowed and the impugned order is set aside and the matter is

remitted back to the second respondent for reconsidering the request of the petitioner for providing electricity connection by drawing the power line through underground cable running in the common pathway situated in Survey Nos.52/1, 51/2 and 51/1, Karuvalur village, Avinashi Taluk, after collecting the necessary charges from the petitioner. Such exercise shall be done by the second respondent within a period of six weeks from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

vri

To

- 1.The Assistant Executive Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Nambiambalayam-641670,
Tiruppur District.
- 2.The Assistant Engineer,
Tamilnadu Electricity Distribution Generation Corporation,
Tiruppur Electricity Distribution Circle,
Nambiambalayam,
Tiruppur District.

+1cc to Mr.L.Chandra Kumar, Advocate SR.No.2317
+1cc to Mr.S.K.Rameeshuwar, Standing Counsel SR.No.1816
+1cc to Mr.T.Balaji, Advocate SR.No.1655

W.P.No.22585 of 2017

GN (22/01/2018)

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