

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.14187 of 2018 and
W.M.P.No.16753 of 2018

R.Anandan

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, TANGEDCO,
Avenue Road, SVS Avenue,
Villupuram - 605 602.

2.The Divisional Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, TANGEDCO,
Avenue Road, SVS Avenue,
Villupuram - 605 602.

3.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, TANGEDCO,
Marakkanam Road, Tindivanam.

4.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, TANGEDCO,
Town - II, Thiruvallur Nagar, Tindivanam.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus directing the respondents to
remove all electricity lines illegally drawn by the respondent's touching the

petitioner's property at Plot No.12, VIP Avenue, Pellakkuppam Road, Tindivanam and to refer the dispute to the District Magistrate for adjudication.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.M.Varun Kumar,
Standing Counsel

ORDER

The petitioner is the owner of the house constructed in Plot No.12, within Wet Survey No.395/2, VIP Avenue, Pellakkuppam Road, Tindivanam. Since applications have been made by the neighbours and adjoining owners of VIP Avenue seeking electricity service connection to their properties, Electricity Department have attempted to draw lines through the pillar erected adjacent to the petitioner's property. The lines to be drawn from the closely located pillar will pass through, touching the petitioner's property. In view thereof, the petitioner orally objected and hence, the respondents temporarily refrained from proceeding further. Subsequently, the petitioner came to know that the electricity line has been drawn touching the his property and hence, submitted his representation on 20.01.2018. But till date as no response is forthcoming, the petitioner is advised to come to this Court by filing the Writ Petition.

2.The learned counsel appearing for the petitioner further stated that Section 3 of the Works of Licensees Rules, 2006, mandates prior

consent from the owner of the land before carrying out any works by the licensee in the concerned land. In the present case, the said mandatory condition has not been complied with and therefore, a direction may be issued to the respondents to consider the petitioner's representation dated 20.01.2018.

3.The learned standing counsel appearing for the respondents submitted that after erecting the pillar, low tension line has been given and electricity has been provided to the neighbours of the petitioner. Now, the petitioner's remedy is to approach the District Collector.

4.This Court does not find any merit in the submission made by the learned standing counsel for the respondents. Since the petitioner's representation dated 20.01.2018 has not been considered till date, the Writ Petition is disposed of with a direction to the respondents 1 to 3 to consider the petitioner's representation, on merits, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes
va

13.06.2018

T.RAJA, J.
va

To

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