

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.27132 of 2018

S.Palanisamy

... Petitioner

Vs

1.The Chief Engineer,
Distribution / Coimbatore Region,
Tamil Nadu Generation and Distribution
Corporation,
Tatabad,
Coimbatore - 641 012.

2.The Superintending Engineer,
Coimbatore Electricity Distribution Circle-North,
Coimbatore-North,
Coimbatore.

3.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation,
Coimbatore Electricity Distribution Circle-North,
Mettupalayam.

4.V.L.Palanisamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the electric cable line passes through the petitioner's land in S.F.No.24/3D.

For Petitioner : Mr.V.Sivakumar

For Respondents-1to3 : Mr.S.K.Raameshuwar,
Standing Counsel for
Tamil Nadu Electricity Board.

For Respondent-4 : Service Awaited.

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 1 to 3 to remove the electric cable line passes through the petitioner's land in S.F.No.24/3D.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner is the owner of the agricultural land in S.F. No.24/3D at Vadavalli Village, Annur Taluk, Coimbatore District.

3. The fourth respondent has obtained the Electricity Service Connection for his Borewell by erecting electric cable through the land belongs to the writ petitioner. The writ petitioner states that the electric cable was laid without the consent of the writ petitioner.

4. The learned Standing Counsel, appearing on behalf of the respondents 1 to 3, disputed the contentions of the learned counsel for the writ petitioner, by stating that no electric cable wire has been laid in the land belongs to the writ petitioner. However, the fourth respondent is illegally tapping the electricity power supply by laying the electric cable wire through the land belongs to the writ petitioner.

5. It is clarified by the learned Standing Counsel, appearing on behalf of the respondents 1 to 3, that the fourth respondent had committed an illegality by tapping the electric cable wire through the land belongs to the writ petitioner. The illegal action of the fourth respondent had been identified by the officials of the respondent-Electricity Board and an action was taken. The fourth respondent under Section 126(1) of the Electricity Act, 2003, paid the penalty amount of Rs.3,080/- on 5.11.2016 and also given an undertaking letter that he had removed the unauthorised extension of electric cable from the property belongs to the writ petitioner.

6. The learned counsel for the writ petitioner even after removing the unauthorised extension of electric cable once again the fourth respondent is attempting to commit such an illegality. In the event of repeating the offence by the fourth respondent, the writ petitioner is at liberty to file a complaint before the respondent-Electricity Board along with the proof and in the event of receiving any such complaint, the Electricity Board is bound to initiate appropriate criminal prosecution against the fourth respondent. For all such illegal activities and in the event of proving such illegal activities, the power connection to the fourth respondent also shall be disconnected.

7. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

Svn

To

- 1.The Chief Engineer,
Distribution / Coimbatore Region,
Tamil Nadu Generation and Distribution
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Tatabad,
Coimbatore - 641 012.
- 2.The Superintending Engineer,
Coimbatore Electricity Distribution Circle-North,
Coimbatore-North,
Coimbatore.
- 3.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation,
Coimbatore Electricity Distribution Circle-North,
Mettupalayam.

सत्यमेव जयते

WP No.27132 of 2018

RSI (CO)
GMY (05/02/2019)

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