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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) Nos.220 to 224 of 2018

and

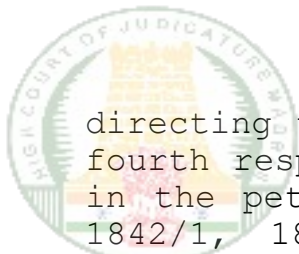
WMP(MD)Nos.221 to 225 of 2018

M.Anandhan	...	Petitioner in WP(MD)No.220/2018
Saroja	...	Petitioner in WP(MD)No.221/2018
V.Santhanam	...	Petitioner in WP(MD)No.222/2018
M.Velusamy	...	Petitioner in WP(MD)No.223/2018
V.Saravanakumar	...	Petitioner in WP(MD)No.224/2018

Vs.

- 1.The Superintending Engineer,
Office of the Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO, Theni - 625 531.
 - 2.The Executive Officer,
Periyakulam Electricity Distribution Circle,
TANGEDCO, Periyakulam,
Theni District.
 - 3.The Assistant Executive Engineer,
Office of the Assistant Executive Engineer,
Periyakulam West Electricity Distribution Circle,
TANGEDCO, Periyakulam,
Theni District.
 - 4.The Junior Engineer,
Keel Vadakarai Electricity Distribution Circle,
TANGEDCO, Keelavadakarai,
Periyakulam Taluk,
Theni District.
- ... Respondents in all WPs.

WP(MD)No.220 of 2018 filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the fourth respondent in his proceedings Ka.No.E.Mi.Po/Pa/Kee.Va/Va.Aa/Ko.Kattu/A.No.388/2017 dated 28.12.2017 and quash the same on the ground that the same is arbitrary illegal and without any legal basis and consequently



directing the respondents 1 to 3 to issue suitable direction to the fourth respondent not to conduct any erection works of HT & LT line in the petitioner's property comprised in Survey Nos.1840, 1841/2, 1842/1, 1842/2, 1843/2, 1841/1A situated at Vadakarai Village, Periyakulam Taluk, Theni District.

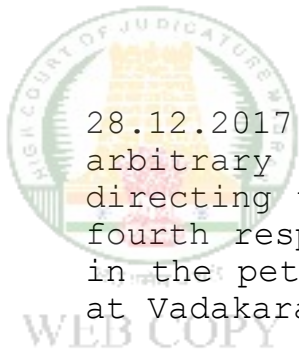
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WP(MD)No.221 of 2018 filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the fourth respondent in his proceedings Ka.No. E.Mi.Po/Pa/Kee.Va/Va.Aa/Ko.Kattu/A.No.387/2017 dated 29.12.2017 and quash the same on the ground that the same is arbitrary illegal and without any legal basis and consequently directing the respondents 1 to 3 to issue suitable direction to the fourth respondent not to conduct any erection works of HT & LT Line in the petitioner's property comprised in Survey Nos.1872/1, 1873/2A, 1873/2B, 1875/1A and 1875/1B situated at Vadakarai Village, Periyakulam Taluk, Theni District.

WP(MD)No.222 of 2018 filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the fourth respondent in his proceedings Ka.No.E.Mi.Po/Pa/Kee.Va/Va.Aa/Ko.Kattu/A.No.386/2017 dated 28.12.2017 and quash the same on the ground that the same is arbitrary illegal and without any legal basis and consequently directing the respondents 1 to 3 to issue suitable direction to the fourth respondent not to conduct any erection works of HT & LT line in the petitioner's property comprised in Survey Nos.1711/1, 1816/2, 1817/1 situated at Vadakarai Village, Periyakulam Taluk, Theni District.

WP(MD)No.223 of 2018 filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the fourth Respondent in his proceedings Ka.No.E.Mi.Po/Pa/Kee.Va/Va.Aa/Ko.Kattu/A.No.385/2017 dated 28/12/2017 and quash the same on the ground that the same is arbitrary illegal and without any legal basis and consequently directing the respondents 1 to 3 to issue suitable direction to the fourth Respondent not to conduct any erection works of HT & LT Line in the petitioner's property comprised in Survey No.1872/2 situated at Vadakarai Village, Periyakulam Taluk, Theni District.

WP(MD)No.224 of 2018 filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the fourth respondent in his proceedings Ka.No.E.Mi.Po/Pa/Kee.Va/Va.Aa/Ko.Kattu/A.No.384/2017 dated



28.12.2017 and quash the same on the ground that the same is arbitrary illegal and without any legal basis and consequently directing the respondents 1 to 3 to issue suitable direction to the fourth respondent not to conduct any erection works of HT & LT line in the petitioner's property comprised in Survey No.1843/1 situated at Vadakarai Village, Periyakulam Taluk, Theni District.

For Petitioners : Mr.R.Shankar Ganesh
For Respondents : Mr.E.P.Venkateshwar
for Mr.S.M.S.Johny Basha
(all W.Ps.)

COMMON ORDER

These writ petitions have been filed challenging the orders passed by the fourth respondent, directing the petitioners to identify their lands while drawing HT & LT line.

2.Since the issue involved in all the writ petitions are one and the same, all the writ petitions are disposed of by way of passing a common order.

3.According to the petitioners, they are the owners of the properties in various survey numbers mentioned in the petitions. Now, the fourth respondent is drawing HT & LT lines, and also erecting poles in their lands. When the petitioners approached the fourth respondent to stop the erection work, the fourth respondent directed them to appear before the authorities and identify their lands. Challenging the above order, these writ petitions have been filed.

4.The fourth respondent, on notice, filed his counter affidavit, stating that the respondents are not erecting any poles or drawing lines through the petitioners' lands. The relevant portion of the counter affidavit reads as follows:

"4.I respectfully submit that the HT line is being erected on the public road in order to grant electricity service connection to some other consumers. The said HT line is not erected on the cultivating land of the petitioner. So it is absolutely wrong to state that the line is being erected on the land of the petitioner. In fact, at some places the petitioner's land is being fenced with barbed wiring and this would be evident from the photos. This fencing would clearly show that the line is not entering the petitioner land at all.

...

<https://hcservices.ecourts.gov.in/hcservices/> 5.I respectfully submit at the cost of repetition it is denied that the HT line is erected on the petitioner land. The HT line is erected on the



public road. Since the line is drawn on the public road, there is no question of felling of trees or cutting of any coconut trees. The writ petition has been filed based on surmises and ought to be dismissed."

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5.As the fourth respondent submitted that they are not erecting HT line in the petitioners' land, recording the counter affidavit filed by the fourth respondent, these writ petitions are closed. No costs. Consequently, WMP(MD)Nos.221 to 225 of 2018 are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

- 1.The Superintending Engineer,
Office of the Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO, Theni - 625 531.
- 2.The Executive Officer,
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TANGEDCO, Periyakulam,
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- 3.The Assistant Executive Engineer,
Office of the Assistant Executive Engineer,
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TANGEDCO, Periyakulam,
Theni District.
- 4.The Junior Engineer,
Keel Vadakarai Electricity Distribution Circle,
TANGEDCO, Keelavadakarai,
Periyakulam Taluk,
Theni District.

+5 ccs to Mr.R.Shankar Ganesh, Advocate, SR.No.46497

mj

RL/10C/4P/KK/SAR1/16/2/2018

W.P(MD) Nos.220 to 224 of 2018
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