

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2019

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI, J.

W.P.No.26263 of 2008

K.Lakshmi

...Petitioner

Vs

1. Tamil Nadu Electricity Board,
rep.by Superintending Engineer,
C.E.D.C. (South) 100 K.V.
K.K.Nagar, S.S.Complex,
K.K.Nagar, Chennai-600 078.

2. The Assistant Engineer, O&M.,
Tamil Nadu Electricity Board,
C.E.D.C.(South),
V.G.P.Pushpanagar, Medavakkam,
Chennai-601 302.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, to call for the records relating to the letter No.SC/CEDC/S/AEE/PRO/F.TBM.293/D/185/08 dated 15.02.2008 on the file of the first respondent and issue Writ of Certiorarified Mandamus to quash the same and direct the respondents to remove or shift the alignment of overhead electric line passing over the petitioner's patta land comprised in S.No.378/1A1B of an extent of 3098 sq.ft. Equivalent to 0.03.00 Acres situated at Pallikaranai Village, Perumalkoil standing in Patta No.5088 belonging to the petitioner.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents: Mr.S.K.Rameshuwar

O R D E R

The petitioner has filed a writ petition for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the letter No.SC/CEDC/S/AEE/PRO/F.TBM.293/D/185/08 dated 15.02.2008 on the file of the first respondent and issue Writ of Certiorarified Mandamus to quash the same and direct the respondents to remove or shift the alignment of overhead electric line passing over the petitioner's patta land comprised

in S.No.378/1A1B of an extent of 3098 sq.ft. Equivalent to 0.03.00 Acres situated at Pallikaranai Village, Perumalkoil standing in Patta No.5088 belonging to the petitioner.

2. The case of the petitioner is that she made a representation dated 21.11.2007, for shifting the alignment of overhead electric line passing through her land. However, the said request was rejected by the Electricity Board. Challenging the impugned order, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that without inspecting the property of the petitioner's land, the authority found that the OH lines are passing at a height of 30 feet and in a common pathway.

4. The learned counsel for the petitioner as well as the learned Standing counsel for the electricity board would jointly submit that this Court may issue a direction to the Surveyor, to ascertain whether the OH lines are passing through the property owned by the petitioner or in the common pathway.

5. Considering the above submission, this Court is inclined to grant liberty to the petitioner to make an appropriate application before the Tahsildar and the Surveyor. Thereafter the said officials inspect the property and ascertain whether the OH lines are passing through the property owned by the petitioner or in the common pathway, then the respondent board is granted liberty to take appropriate action.

6. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssb

To

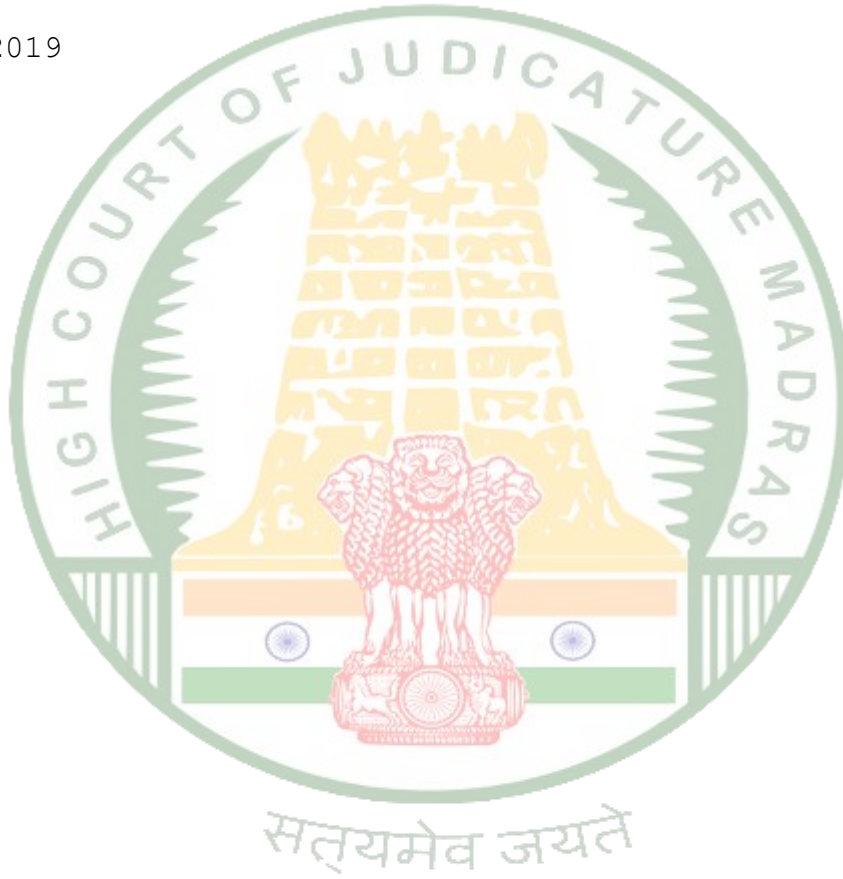
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+1cc to Mr.J.R.K.Bhavanantham, Advocate sr.59356

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