



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.18958 of 2013

Duraikumar

.. Petitioner

Vs

1.Tamil Nadu Electricity Board,
Rep. By its Chairman,
Anna Salai, Chennai.

2.The Executive Engineer,
Tamil Nadu Electricity Board,
Namagiripettai,
Namakkal.

3.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Namagiripettai,
Namakkal.

4.The District Collector,
Namakkal District.

5.The Assistant Executive Engineer,
Public Works Department,
Government of Tamil Nadu,
Water Resources (Sarabanga Basin Division)
Rasipuram - 637 408.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents more particularly the second respondent to consider the representation of the petitioner dated 20.06.2013 and further direct him to drop the plan for installation of proposed over head electric line on the edge of petitioner's land in Survey No.98/2 in Moolapallipatti Village, Rasipuram Taluk, Namakkal District, and instead of the same go for an underground cable line.

For petitioner : Mr.S.Sounthar

For R1 to R3 : Mr.S.K.Raameshwar, Standing Counsel

For R4 & R5 : Mr.V.Shanmuga Sundar, Spl.GP



WEB GATE

ORDER

The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to direct the second respondent / the Executive Engineer, TNEB, Namagiripettai, Namakkal District, to consider his representation 20.06.2013 requesting the authorities drop the proposal for over-head lines and instead, go for underground cable lines.

2. It is submitted by the learned counsel appearing for the petitioner that the petitioner is the owner of 1.47 acres of land situated in S.No.98/2, Moolapalli Patti Village, Rasipuram Taluk, Namakkal District. The staffs working under the respondents 2 and 3 have erected electric poles on the edge of his property and therefore, when he enquired about the same, he was informed that electric posts are put up to supply electricity for implementation of drinking water project. Therefore, it is grievance of the petitioner that if the hanging electric lines are taken through the electric posts put up on the edge of his lands, then it will affect the coconut trees standing in his property and there is a every possibility of short circuit of electricity during winter season. Hence, although he made a representation dated 20.06.2013 requesting the authorities to drop the proposed plan of over-head lines and instead go ahead with underground cable lines, the respondents have not replied to the said representation, thus, the present writ petition with a prayer cited supra.

3. The third respondent has filed a counter affidavit as well as additional counter affidavit. Learned standing counsel appearing for the respondents 1 to 3 submitted that two service connections, namely, Service No.510-008-818, Moolapalipatty Distribution in Namagiripettai-I Section and Service No.511-001-1284, Mettala Distribution in Mettala O&M Section, were effected in the name of the Executive Engineer, TWARD Board, under Water Service Scheme to distribute water to the residents of Namagiripettai and Mettala area. It is further stated that the officials from TANGEDCO, TWARD Board and Highways Department have jointly inspected and finally decided to erect a new 22KV line from Namagiripettai Substation to Koraiyar Booster station and Koraiyar to Mettala Booster Station in respect of the above said two service connections. The above said proposed HT 22 KV line would be erected only in highway roadside. It is further stated that the proposed 22 KV line is to be laid for TWARD Board to maintain uninterrupted power supply to the residents of Mamagiripettai and Mettala area for interrupted pumping and supply of drinking water. Therefore, as the aforesaid services connections are more important for the residents of Mamagiripettai and Mettala for supply uninterrupted water, the request of the petitioner requesting to drop the said



proposal cannot be entertained by this Court, he pleaded.

4. I fully agree with the above said submissions. To supply drinking water to the residents of Mamagiripettai and Mettala, the Executive Engineer, TWAD Board, Namakkal, has requested two service connections as stated supra for an uninterrupted pumping of water. Thereafter, the said request was also accepted and thereby, sanction was also granted by the Chief Engineer, Distribution, Erode, for an amount of Rs.70,99,300/- on 16.06.2012. It is also averred in the additional counter affidavit that after necessary work order, officials have also erected poles and over-head lines also have been laid on the road side of Highways. Subsequently, after the execution of work, without any disturbance to the petitioner, the line was also charged on 16.06.2014 so as to give uninterrupted drinking water to the public. Besides, it is to be noted that the officials from TANGEDCO, TWAD Board and Highways Department have jointly inspected and studied the feasibility of the said project and only thereafter, they have decided to erect a new 22 KV line from Mamagiripettai Substation to Koraiyar Booster Station and from Koraiyar to Mettala Booster Station in respect of the above said two service connections for the purpose of supplying uninterrupted drinking water to the public residing in that area.

5. Thus, in such view of the matter, considering the larger interest of the public residing in that area, this Court is not inclined to entertain the claim of the petitioner requesting to drop the proposal of laying 22 KV line for TWAD board to supply uninterrupted drinking water to the public. Accordingly, for the reasons stated, the writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

rkm



To

- 1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.
- 2.The Executive Engineer,
Tamil Nadu Electricity Board,
Namagiripettai,
Namakkal.
- 3.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Namagiripettai, Namakkal.
- 4.The District Collector,
Namakkal District.
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Public Works Department,
Government of Tamil Nadu,
Water Resources (Sarabanga Basin Division)
Rasipuram - 637 408.

+lcc to Mr.S.Sounthar, Advocate SR.No.89516

W.P.No.18958 of 2013

MR(CO)
GMY(02/01/2020)