

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.3453 of 2019

Kallipalayam Grama Neerinai
Payanpaduthum Paasana
Vivasayigal Nala Sangam
Regd.No.236/2018
rep.by its President
N.Jaganathan, M/68
S/o Nanjappa Gounder
No.124, Nehru Colony
Mahalingapuram, Pollachi 642 002
Coimbatore District

.. Petitioner

-vs-

1. The Executive Engineer
Aliyar Basin
Parambikulam Aliyar Project Scheme
Parambikulam Aliyar Project Office
Udumalai Road, Pollachi 642 003
Coimbatore District
2. The Superintending Engineer
Udumalai Electricity Distribution Circle
TANGEDCO, TNEB, Tiruppur Road
Udumalai, Tiruppur District

3. M.Moorthy

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the first respondent from issuing No Objection Certificate in favour of the second respondent for laying electrical poles on the PAP canal pathway situated at T.S.No.6/2 in Block No.6, Ward-H, Pollachi Municipal Limit, Coimbatore District for giving electricity service connection to the third respondent.

For Petitioner ::

Mr.C.Prakasam

For Respondents::

Mr.S.K.Raameshuwar

Standing Counsel for R1 & 2

ORDER

This writ petition has been filed seeking issuance of a mandamus forbearing the Executive Engineer, Aliyar Basin, Parambikulam Aliyar Project Scheme, Udumalai Road, Pollachi, the first respondent herein from issuing No Objection Certificate in favour of the Superintending Engineer, Udumalai Electricity Distribution Circle, the second respondent herein for laying the electrical poles on the PAP canal pathway situated at T.S.No.6/2 in Block No.6, Ward-H, Pollachi Municipal Limit, Coimbatore District for giving electricity service connection to the third respondent.

2. Learned counsel for the petitioner submitted that the petitioner is the President of Kallipalayam Grama Neerinai Payanpaduthum Paasana Vivasayigal Nala Sangam and the said Sangam is also called as Kallipalayam Grama Neerinai Payanpaduthuvor Sangam. The petitioner is also having agricultural land and getting irrigation water from the PAP canal. Therefore, he has given a representation dated 11.1.2019 to the Executive Engineer, Aliyar Basin, Parambikulam Aliyar Project Scheme, the first respondent herein requesting not to permit the Superintending Engineer, Udumalai Electricity Distribution Circle, the second respondent herein from erecting the electrical posts in the PAP canal pathway. The said representation has not been taken note of. However, the third respondent-M.Moorthy has already drawn the electrical wires across the PAP canal from one land to another land, thereby misusing the electricity service connection without getting any permission from the first respondent in this connection. When these facts have been mentioned, the representation dated 11.1.2019 has not been taken note of and no order has been passed. Hence, the petitioner has come to this Court.

3. But this Court is unable to find any justification or merit in the petitioner's representation. The reason being that when the petitioner claims that he is the President of Kallipalayam Grama Neerinai Payanpaduthum Paasana Vivasayigal Nala Sangam, it is not known how he can maintain the writ petition. If he has got a grievance that his land is going to be affected, he should have filed the writ petition independently. Secondly, when the third respondent is entitled to get the electricity service connection and on being satisfied with the request made by the third respondent, the Superintending Engineer, Udumalai Electricity Distribution Circle makes any arrangement or takes any step to provide the service, the petitioner cannot have any grievance. Moreover, he cannot misuse the office of Sangam for his personal benefit. For all

these reasons, the writ petition fails and it is dismissed.
Consequently, W.M.P.Nos.3751 & 3752 of 2019 are also dismissed.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss
To

1. The Executive Engineer
Aliyar Basin
Parambikulam Aliyar Project Scheme
Parambikulam Aliyar Project Office
Udumalai Road, Pollachi 642 003
Coimbatore District
2. The Superintending Engineer
Udumalai Electricity Distribution Circle
TANGEDCO, TNEB, Tiruppur Road
Udumalai, Tiruppur District

+lcc to Mr.C.Prakasam, Advocate sr.no.17196

W.P.No.3453 of 2019

sai(co)
nr 25/03/2019

सत्यमेव जयते

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