

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5980 of 2019

in

WMP No.6805 of 2019

1. Mr.Ettian

2. Mr.Velan

... Petitioners

-vs-

1. The District Collector  
Office of the Collectorate  
Villupuram District Pin:605 602

2. The Executive Engineer  
Tamil Nadu Electricity Board  
Kanjanoor Post  
Vikkiravandi Taluk  
Villupuram District

3. The Assistant Engineer  
Tamil Nadu Electricity Board  
Kanjanoor Post  
Vikkiravandi Taluk  
Villupuram District

4. The Junior Engineer  
Tamil Nadu Electricity Board  
Ashokapuri Post  
Vikkiravandi Taluk  
Villupuram District

5. M/s The Oriental Structural  
Engineering Pvt.Ltd.,  
Janakipuram Village  
Kandamaanadi Post  
Villupuram Taluk  
Villupuram District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 4 not to erect any Electricity Posts in the first petitioner's property situated at Survey No.350/4, measuring to an extent of Hectare 1.25.0 Ares, Kundalapuliur

Village, Vikkiravandi Taluk, Villupuram District based on 2<sup>nd</sup> petitioner's representation dated 15.11.2018 given to the 3<sup>rd</sup> and 4<sup>th</sup> respondents herein and 2<sup>nd</sup> petitioner's representation dated 19.11.2018 given to the first respondent.

For Petitioner:: Mr.R.Kumar

For Respondents::Mr.K.Ravikumar

Additional Government

Pleader for R1

Mr.M.Varunkumar

Standing Counsel for R2 to 4

#### ORDER

This writ petition has been filed seeking a mandamus directing the District Collector, Villupuram, the first respondent herein and the respondents 2 to 4-Tamil Nadu Electricity Board not to erect any electricity posts in the first petitioner's property situated at Survey No.350/4, measuring to an extent of Hectare 1.25.0 Ares, Kundalapuliyur Village, Vikkiravandi Taluk, Villupuram District based on the second petitioner's representation dated 15.11.2018 given to the third and fourth respondents herein and the second petitioner's representation dated 19.11.2018 given to the first respondent.

2. Learned counsel for the petitioners submits that the first petitioner became the owner of the property by way of a sale deed dated 24.4.1985 bearing Document No.447 of 1985 registered on the file of the Sub Registrar, Annaiyur. Since there is a well in the first petitioner's property, M/s The Oriental Structural Engineering Private Ltd., the fifth respondent herein has given an application to the revenue authorities for quarrying the property situated at Survey Nos.350/5, 362/1, 364/1 and 364/4 measuring an extent of Hectare 4.09.5 Ares, Kundalapuliyur Village, Vikkiravandi Taluk, Villupuram District. On the basis of the letter given by the fifth respondent, the Electricity Board has been trying to erect the electricity posts in the petitioners' property. Therefore, the second petitioner, who is the son of the first petitioner, has given a representation on 15.11.2018 to the Electricity Board. On receipt of the said representation, the Executive Engineer, Tamil Nadu Electricity Board, the second respondent herein has sent a communication on 10.12.2018 informing the second petitioner that the fifth respondent has been directed to get the No Objection Certificate from the land owners. In view of the said communication issued by the second respondent, the petitioners apprehend that the respondents 2 to 4 are going to give the electricity connection. Therefore, a direction be issued.

3. But this Court is unable to find any merit whatsoever in the present writ petition. The reason is that when the fifth respondent has made an application to the revenue authorities for quarrying the property situated at Survey Nos.350/5, 362/1, 364/1 and 364/4 measuring an extent of Hectare 4.09.5 Ares, Kundalapuliyur Village, Vikkiravandi Taluk, Villupuram District and the same is under consideration, it is not known how it is open to the petitioner to come to this Court seeking an injunction. Therefore, finding no merits whatsoever, the writ petition stands dismissed. Consequently, W.M.P.No.6805 of 2019 is also dismissed. No costs.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ss  
To

1. The District Collector  
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Tamil Nadu Electricity Board  
Ashokapuri Post  
Vikkiravandi Taluk, Villupuram District

+lcc to M/S.P.Balamurugan, Advocate Sr.19844  
+lcc to M/S.M.Varunkumar, Advocate sr.20318  
+lcc to the Government Pleader sr.20918

W.P.No.5980 of 2019

vsn II[co]  
srg 30/03/2019