

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.9287 of 2011
and M.P.No.1 of 2011

R.Loganathan

.. Petitioner

vs.

1.The Executive Engineer,
(Operation and Maintenance)
Tamil Nadu Electricity Board,
Trichengode Division,
Namakkal Electricity Distribution Circle,
Trichengode.

2.The Assistant Engineer,
(Operation and Maintenance)/Rural,
Tamil Nadu Electricity Board,
Mallasamudram,
Trichengode Taluk,
Namakkal District.

3.The Superintending Engineer,
Tamil Nadu Electricity Board,
Namakkal Electricity Distribution Circle,
Namakkal.

4.N .Muthusamy

.. Respondents

Prayer.: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents 1 to 3 to effect 5 HP Electricity Service Connection to the petitioner's bore well situated in the land in S.No.115/1A in Seerankadu, Kolankondai Village, Trichengode Taluk, forthwith.

For Petitioner : Mr.P.Jagadeesan

For R1 to R3 : Mr.S.K.Rameshwar
Standing Counsel for TNEB

For R4 : Mr.T.Balaji

O R D E R

This writ petition has been filed by the petitioner praying to issue a writ of Mandamus directing the respondents 1 to 3 to effect 5 HP Electricity Service Connection to the petitioner's bore well situated in the land in S.No.115/1A in Seerankadu, Koankondai Village, Trichengode Taluk, forthwith.

2. According to the learned counsel for the petitioner, the petitioner has obtained agricultural service connection on the basis of the special priority scheme announced by the Government of Tamil Nadu. The petitioner has also complied with all the formalities along with necessary deposits required by the Board .

3. The learned counsel for the petitioner would submit that the petitioner is having single phase domestic service connection for effecting the agricultural purpose to his bore well under the single phase line which converted into three phase line, so as to the petitioner may use the agricultural service connection. But the 4th respondent had objected for erecting the three phase connection in his land. Therefore, the petitioner has filed the present writ petition before this Court.

4. The learned counsel for the 4th respondent would submit that the 4th respondent apprehended that the three phase connection will affect his coconut trees in the petitioner's land, could be removed by the respondents-Board, therefore he made objection to the Board not to convert the three phase line in the 4th respondent's property.

5. The learned counsel appearing for the respondents-Board would submit that the coconut trees in the 4th respondent's land will not be removed for enabling the Board to provide the three phase connection to the petitioner's property. The said objection of the 4th respondent is only an apprehension. Since if any obstruction is there, the respondents-board shall remove the branches/leaves of the trees and no proposal to remove the trees on the 4th respondent's land. Today, i.e.23.01.2019, the 2nd respondent-TNEB has also filed the report before this Court by giving undertaking that they will not remove the trees in the 4th respondent's land.

6. Considering the submissions made by the learned counsel for the respondents-TNEB, the respondents-TNEB are directed to take necessary arrangements for converting the single phase line into 3 phase line through the 4th respondent's property for providing the agricultural service connection to the petitioner, as expeditiously as possible.

7. It is made clear that if the respondents-Board has damaged the trees in the 4th respondent's property, the petitioner has to pay the compensation determined by the Board to the 4th respondent.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kkd

To

- 1.The Executive Engineer,
(Operation and Maintenance)
Tamil Nadu Electricity Board,
Trichengode Division,
Namakkal Electricity Distribution Circle,
Trichengode.
- 2.The Assistant Engineer,
(Operation and Maintenance)/Rural,
Tamil Nadu Electricity Board,
Mallasamudram,
Trichengode Taluk,
Namakkal District.
- 3.The Superintending Engineer,
Tamil Nadu Electricity Board,
Namakkal Electricity Distribution Circle,
Namakkal.

+1cc to Mr.S.K.Raameshuwar, Advocate, S.R.No.5464
+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No.5263
+1cc to Mr.P.Jagadeesan, Advocate, S.R.No.5528

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and
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BR(CO)

rrs 21/03/2019