



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.07.2019

CORAM:
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WRIT PETITION NO.6788 OF 2019

D.Jagadeesan

...Petitioner

Vs

1.The Superintendent Engineer,
TANGEDCO,
Thirumangalam,
Chennai-600 062.

2.The Assistant Engineer,
TANGEDCO,
Avadi South,
Thirumullaivoyal,
Avadi,
Chennai-600 062.

3.N.Balakrishnan

... Respondents

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the existing electric service transmission wire connecting the premises of 3rd respondent at Door No.10/2, Kalaingar Nagar, Cholampedu, Thirumullaivoyal, Chennai-600 062 from the main pillar junction at Kalaingar Nagar, Cholampedu, Thirumullaivoyal, Chennai-600 062, vide electric service connection No.046-213-166 stands in the name of the 3rd respondent which is overhead on and above the premises of my house at Door No.8, Kalaingar Nagar, Cholampedu, Thirumullaivoyal, Chennai-600 062, in view of my representation dated 24.01.2019 and consequently direct the respondents 1 and 2 to provide electricity connections through underground cable system to the 3rd respondent without causing any damage to the petitioner.

For petitioner : Mr.K.Balu

For R1& R2 : Mr.P.R.Dhilip Kumar
Standing counsel

For R3 : Mr.J.Ashok



O R D E R

The petitioner herein is the resident of Door No.8, Kalaighnar Nagar, Cholampedu, Thirumullaivoyal, Chennai-600 062. The petitioner herein alleging that the electricity line of the 3rd respondent passing overhead on and above the premises of his house.

2. The third respondent herein is a neighbor at Door No.10/2, Kalaighnar Nagar, Cholampedu, Thirumullaivoyal, Chennai-600 062. The petitioner herein is aggrieved by the overhead electrical line passing through his house to provide electricity to the third respondent. According to the petitioner, the overhead electrical line causing imminent danger to his house and inhabitation. Therefore, the petitioner wants the TANGEDCO to lay underground cable.

3. The third respondent herein has filed a counter wherein, he has stated that due to animosity, earlier the petitioner herein prevented. The third respondent from replacing the worn out electrical wire providing electricity to his house. Hence, he was forced to file a writ petition in W.P.No.32056 of 2016 before this Court seeking Mandamus.

4. In the said writ petition, the petitioner herein was one of the respondent. This Court has passed a detailed order how the petitioner herein was preventing the replacement of the wire by bringing persons with white shirt and black pant, threatening the authority from doing the work to replace the worn out and damaged electric wire in that locality. After observing the conduct of the petitioner herein, this Court has directed the Inspector of Police, Thirumullaivoyal to give police protection at the time of replacing the damaged and worn out electrical wires in Kalaighnar Nagar, Cholampedu, Thirumullaivoyal, Chennai-600 062.

5. With police protection, the TANGEDCO has replaced the worn out wires. The petitioner herein, in order to cause further hindrance to the peaceful enjoyment of the electricity service connection of the third respondent, has now filed a writ petition with imaginary fear and apprehension stating that the overhead electrical line passing through his house endangers his life, so he wants the TANGEDCO to lay underground electrical cable.

6. The second respondent through his learned standing counsel informs that if the petitioner is ready to pay the cost for laying underground cable, they will take a project for laying underground cable to provide electricity to the residence of Kalaighnar Nagar, Cholampedu, Thirumullaivoyal, Chennai-600 062.



7. In the said circumstances, the petitioner herein if at all wants underground cable, he should approach the authority with an undertaking that he will pay the requisite cost. He cannot try to use this Court to obstruct the electricity service connection of the third respondent herein under false pretext. The third respondent has filed this writ petition with ulterior motive to cause hindrance to the third respondent. The earlier order of this Court in W.P.No.32056 of 2016 is very clear that the petitioner herein has obstructed the replacing the wire with the help of antisocial element. Now, he wants underground cable without providing space and money for laying the cable.

8. Hence, this writ petition is dismissed with a cost of Rs.1000/- payable to the third respondent.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Superintendent Engineer,
TANGEDCO,
Thirumangalam,
Chennai-600 062.

2.The Assistant Engineer,
TANGEDCO,
Avadi South,
Thirumullaivoyal,
Avadi,
Chennai-600 062.

+lcc to Mr.K.Balu, Advocate, S.R.No.60366
+lcc to Mr.J.Ashok, Advocate, S.R.No.60138
+lcc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.60121

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EV(CO)

RRS (29/08/2019)