

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.11019 of 2019

Mohammed Hanifa

... Petitioner

Vs

1. The Superintending Engineer,
TANGEDCO,
Villupuram District,
Villupuram.
 2. The Divisional Electrical Engineer,
TANGEDCO,
Tindivanam,
Villupuram District.
 3. The Junior Engineer (O&M),
TANGEDCO, Indira Nagar,
Tindivanam,
Villupuram District.
 4. The Executive Engineer,
TANGEDCO,
Indira Nagar, Tindivanam,
Villupuram District.
- Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to lay the low tension electric line through the existing 30 feet road in the approved layout "'Jay Home City'" in S.No.34/4A x 32/4C Guruvannapettai, Endiyur Village Panchayat, Villupuram District based on the representation of the petitioner dated 01.03.2019.

For Petitioner : Mr.M.Selvam
For Respondents : Mr.M.Varun Kumar,
Standing Counsel

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to lay the low tension

electric line through the existing 30 feet road in the approved layout ''Jay Home City'' in S.No.34/4A x 32/4C Guruvannapettai, Endiyur Village Panchayat, Villupuram District, based on the representation of the petitioner dated 01.03.2019.

2. Learned Counsel for the petitioner submitted that the petitioner claiming to be the owner of the land having an extent of 2.28 acres in Survey No.32/4A and 32/4C of Guruvammappettai Village, Endiyur Panchayat, Tindivanam Taluk, has planned to sell the land as housing plots and therefore, he sought for approval of the housing plots. Thereafter, he has also plotted out the land into convenient housing plots and made an application to the Director of Town and Country Planning and the Village Panchayat for approval of the plots by paying necessary charges vide Receipt dated 19.12.2011. The Endiyur Village Panchayat has also given ''No Objection'' by its letter dated 30.12.2011. Thereafter, the Assistant Director, Town and Country Planning, Villupuram Division by his Proceedings in Na.Ka.No.1205/2011 VD dated 26.12.2011 has approved the housing plots under Ma.Va.1 Na.Vuu.Vu.E (V.D.) No.37/2011. Now the plan also has been approved by the appropriate authority and the housing plots are now ready for sale.

3. The learned Counsel for the petitioner further submitted that since the respondents are laying the posts on the housing plots in the layout, the petitioner objected to the same with a request to lay the posts through the roads that have been left out for common usage. The petitioner has further requested the respondents to remove the existing electric lines in his approved plots and lay them through the 30 feet road in the approved layout for the convenience of the plots in the layout. In this regard, the petitioner has also gave a representation dated 12.01.2012 with a request to relay the posts through the 30 feet road in the approved layout. Till date, no action is taken by the respondents. Therefore, the petitioner has approached this Court by filing the present Writ Petition.

4. It is, at this stage, Mr.M.Varun Kumar, learned Standing Counsel for the respondents, after taking instructions submitted that the petitioner has planned to sell the land as a housing plots. Since the Electricity Board has already erected High Tension Electricity Posts 30 years ago, the request of the petitioner to relay the posts through 30 feet road is wholly untenable and unacceptable. The petitioner is only a subsequent purchaser of the land. Therefore, he cannot come to this Court for shifting the existing High Tension Electricity Posts to some other place.

5. This Court is fully agree with the stand taken by the respondents. Finding no merit, more particularly, the fact that the High Tension Electricity Posts were erected even three decades ago, this Court is of the view that the present Writ Petition filed belatedly is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer,
TANGEDCO,
Villupuram District,
Villupuram.
2. The Divisional Electrical Engineer,
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4. The Executive Engineer,
TANGEDCO,
Indira Nagar, Tindivanam,
Villupuram District.

+1 cc to Mr.M.Varunkumar, Advocate, S.R.No.37455

+1 cc to the Government Pleader, S.R.No.37666

W.P.No.11019 of 2019

KK(CO)
SSM(20/05/2019).