

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.10.2019

CORAM:

THE HONOURABLE DR.JUSTICE G. JAYACHANDRAN

Writ Petition No.28842 of 2019

A.Margrate Rita

.. Petitioner

/versus/

1.The Superintending Engineer,
South-II Chennai,
110KV, KK Nagar SS Complex,
Anna Main Road, (First Floor),
KK Nagar, Chennai-78.

2.The Executive Engineer,
Operation and Maintenance,
Chennai South Electricity Distribution Circle,
110, K.V.S.S. Tambaram,
Chennai 600 045.

3.The Assistant Engineer,
Operation and Maintenance,
Chennai South Electricity Distribution Circle,
New Colony Section office,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Chrompet, Chennai 600 044.

4.G.Bhakthavatchalam

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 3rd respondent not to change the existing live electricity wires pertaining to the electricity service connection of the petitioner's house premises at No.5, Pudukkottai Nagar, 1st Street, Chrompet, Chennai 600 044 running through the common passage for the ingress and egress of the petitioner.

For Petitioner :Mr.R.Narayanan

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

O R D E R

Pursuant to the order passed by this Court in W.P.No.4467 of 2018, dated 01.03.2019, the request of the fourth respondent

herein for shifting the live electric wire provided to him is under consideration of the second respondent/TANGEDCO.

2.While so, the petitioner herein, who is the 3rd respondent in the earlier writ petition in W.P.No.4467 of 2018 has filed the present writ petition saying that the writ petition was disposed of without giving proper notice to her and the live electric wires emanating from II Street, Pudukkottai Nagar, Chrompet, passing through the property of the petitioner should not be altered, since he has right of ingress and egress through the common passage through which the electric line is passing. Alleging that by playing fraud on the Court, the 4th respondent has obtained order from this Court on 01.03.2019.

3. The petitioner herein has filed the present writ petition directing the 3rd respondent not to change the existing live electricity wires pertaining to the electric service connection of the petitioner's house premises at No.5, Pudukkottai Nagar, 1st Street, Chrompet, Chennai running through the common passage for the ingress and egress of the petitioner.

4. This Court on perusing the averments made in the affidavit, is of the opinion that this writ petition is premature and the reason stated for the apprehension of the petitioner is unfound. If for some reason the fourth respondent wants the live electric line to be shifted through different route, the TANGEDCO will not do that without ascertaining the feasibility and such shifting by no means will affect the other consumers. The other contention of the petitioner that the ingress and egress to the petitioner's house through common passage will be affected, if the electric line is shifted, does not carry any sense.

5. Therefore, this Court dismiss the writ petition as the apprehension expressed by the petitioner is unfound. In any event, the second respondent shall ensure that the service if any enjoyed by the petitioner herein is not affected by shifting the line, on request of the fourth respondent.

6. In the result, the writ petition is dismissed. No costs.

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Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Superintending Engineer,
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New Colony Section office,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Chrompet, Chennai 600 044.

+3CCs to Mr.R.Narayanan, Advocate, SR.No.83818

+1cc to Mr.S.K.Rameshuwar, Advocate, SR.No.84035

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Kak(07/11/2019)

सत्यमेव जयते

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