

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.30002 of 2019

R.Thirupathy

.. Petitioner

/versus/

1.The Superintending Engineer,
Coimbatore Electricity Distribution Circle/North,
TANGEDCO,
Tatabad, Coimbatore-641 012.

2.The Assistant Executive Engineer,
O & M, TANGEDCO,
CEDC/North, Pothanur, Coimbatore.

3.The Assistant Engineer,
O & M, TANGEDCO,
CEDC/North, Pothanur, Coimbatore.

4.The Commissioner,
Corporation of Coimbatore,
Coimbatore.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to shift the service connection and other electric cables, wires etc., from petitioner's premises to the 4th respondent premises effected in the name of the 4th respondent Corporation by illegally in the petitioner's land comprised in S.No.655 and 656/1, Uppilipalayam village, Coimbatore Taluk, Coimbatore to an extent of 1.72 acre based on petitioner's representation dated 30.09.2019.

For petitioner : Mr.R.Vinayaga Vishnu

For Respondents : Mr.S.K.Raameshuwar

Standing Counsel for R1 to R3

ORDER

Being aggrieved by the act of the 3rd respondent fixing electrical board on the petitioner's compound wall, the petitioner herein has approached this Court by way of writ petition seeking Mandamus to direct the respondents 1 to 3 to

shift the service connection and other electric cables and wires etc., from the petitioner premises to the 4th respondent premises to whom the service connection is extended.

2. In the counter, the 3rd respondent admits that for providing service connection to the Sewerage Treatment Plant established by the 4th respondent, they have installed the electrical equipments in the petitioner's land. The petitioner has given a representation on 13.09.2019 to disconnect the service connection effected to the 4th respondent. Only thereafter, they came to know that the electrical service connection installed in the petitioner land. If the petitioner makes an application, the same may be shifted from the petitioner's land to the 4th respondent all the equipments shall be shifted to the premises of the 4th respondent.

3. This Court is unable to understand why the petitioner to give application for shifting. When the respondents 1 to 3 had installed the equipments in the land of the petitioner without his consent and permission, they have come to know that they have wrongly placed it in the land of the petitioner. It is the duty of the 3rd respondent shifting the equipments on their own and install within the premises of the consumer. Hence, directing the 3rd respondent to remove the electrical installation fixed in the premises of the petitioner herein forthwith.

4. With the above direction, this writ petition is allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Superintending Engineer,
Coimbatore Electricity Distribution Circle/North,
TANGEDCO,
Tatabad, Coimbatore-641 012.

2.The Assistant Executive Engineer,
O & M, TANGEDCO,
CEDC/North, Poathanur, Coimbatore.

3.The Assistant Engineer,
O & M, TANGEDCO,
CEDC/North, Pothanur, Coimbatore.

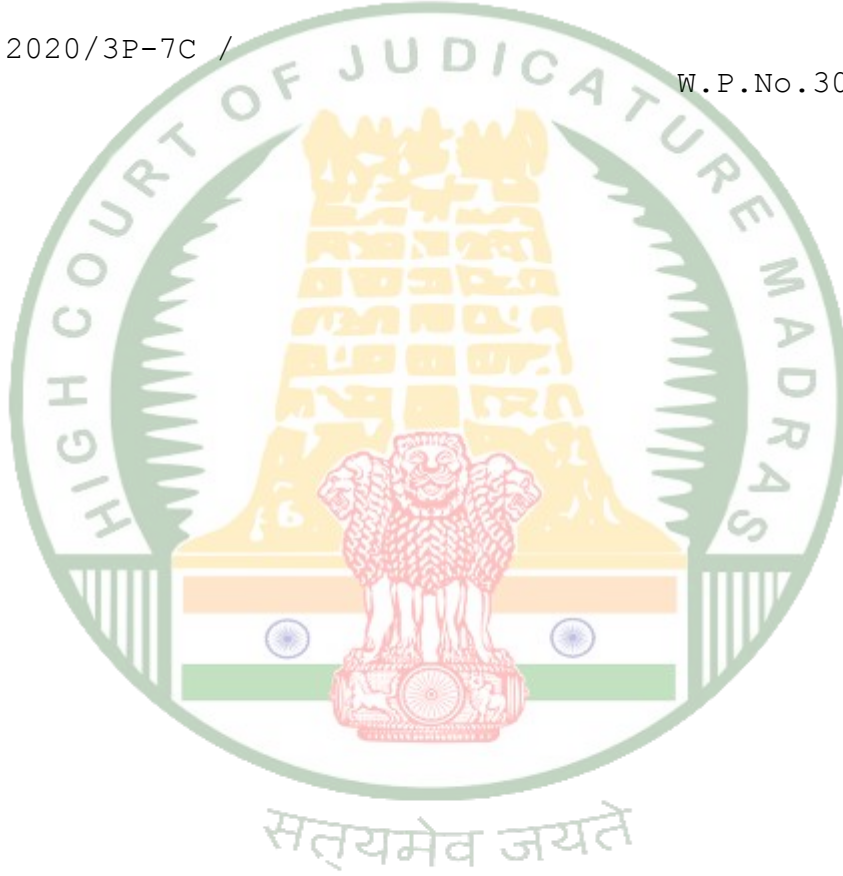
4.The Commissioner,
Corporation of Coimbatore,
Coimbatore.

+1 cc to M/s.R.Vinayaga Vishnu,Advocate Sr.No. 97854

+1 cc to M/s.S.K.Raameshwar,Advocate Sr.No. 97494

AKM/06.01.2020/3P-7C /

W.P.No.30002 of 2019



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