



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.11135 of 2019

and

W.M.P (MD) No.8498 of 2019

M.Tamil Selvan

... Petitioner

Vs.

1.The District Collector,
Thanjavur,
Thanjavur District.

2.The Superintending Engineer,
TANGEDCO,
Thanjavur Electricity Distribution Circle,
Thanjavur.

3.The Assistant Engineer,
Operation and Maintenance,
TANGEDCO,
Peravoorani Town,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 2 and 3 from erecting the Electricity Poles and drawing the lines in the petitioner property comprised in S.No.317/1, 2,3,4,5,6,7 and 8, Veeriyankotttai Village, Peravoorani Taluk, Thanjavur District.

For Petitioner :Mr.M.Suresh Kumar

For R1 :Mr.M.Rajarajan
Government Advocate

For R2 & R3 :Mr.S.M.S.Johny Basha

ORDER

Heard the learned counsel on either side.

2.TANGEDCO wants to erect the electricity poles and draw the lines over the petitioner's property. The petitioner has offered his resistance and objections. Therefore, TANGEDCO is obliged to invoke the jurisdiction of the first respondent by filling an appropriate application under Section 16 of the Indian Telegraph Act, 1885. Till then, they cannot proceed to carry out their works.



3. Therefore, TANGEDCO is restrained from erecting the electricity pole and drawing the lines over the petition mentioned property till they obtain clearance from the first respondent.

4. This Court even while allowing the writ petition, grants liberty to the TANGEDCO to file an application before the first respondent. The first respondent is directed to dispose of the application that may be filed by the TANGEDCO on merits and in accordance with law within a period of four weeks from the date of filling. The first respondent is of-course obliged to put the writ petitioner on notice before passing orders one way or the other.

5. The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

To

The District Collector,
Thanjavur,
Thanjavur District.

+1 CC to Mr.M.SURESH KUMAR, Advocate SR-64239.

+1 CC to SPL GP SR-64899.

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CS: (12/06/2019) 2P 4C