



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P.(MD)No.5009 of 2019andW.M.P.(MD)No.3980 of 2019

M.Vijaya

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai.

3.Arulmigu Anandavalli Sametha Somanatha,
Swami Thirukovil through its Executive Officer,
Sivagangai Devasanthanam Office,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

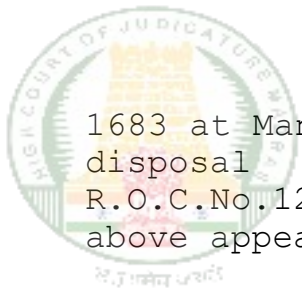
5.The Superintendent Engineer,
TANGEDCO,
Sivagangai,
Sivagangai District.

6.The Assistant Engineer,
TANGEDCO,
Manamadurai,
Sivagangai District.

7.The Executive Officer,
Manamadurai Town Panchayat Office,
Manamadurai,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 3, 5 and 6 not to put up electricity pole, transformer and any other temporary or permanent structures at petitioner's property in Door No.13 to an extent of 2 cents, comprised at Natham Survey Number



1683 at Manamadurai Village and Taluk, Sivagangai District, till the disposal of the second respondents appeal proceedings in R.O.C.No.1219 of 2016 / A1, as well as considering the petitioner's above appeal related representation dated 21.02.2019.

WEB COPY

For Petitioner : Mr.M.Venkatesan
For R1, R2 and R4 : Mr.R.Sethuraman
Special Government Pleader
For R5 & R6 : Mr.S.M.S.Johny Basha
For R3 : Mr.S.Madhavan
For R7 : Mr.M.Rajarajan
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner wants removal of the electricity pole and transformer located outside her property.

3.This Court will not be justified in giving a positive direction to the respondent board to locate the electricity pole and transformer at another site or even cause its removal. This matter falls within the decision making power of the respondents board. However, without pronouncing anything on the merits, this Court can direct the respondents to consider the petitioner's request. The respondents shall dispose the petitioner's request by taking into account the ground reality.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AD-I)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai.



3.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

4.The Executive Officer,
Manamadurai Town Panchayat Office,
Manamadurai,
Sivagangai District.

+1. C.C. to M/S.M.Venkatesan, Advocate SR.No. 51460
+1 cc to Special Government Pleader, SR.No. 51780
+1. C.C. to M/S.S.Madhavan, Advocate SR.No. 51309

W.P.(MD)No.5009 of 2019
and
W.M.P.(MD)No.3980 of 2019
04.03.2019

RMI
JM/04.04.2019/3P/8C