



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 10.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.15659 of 2018

and

W.M.P(MD) .No.15795 of 2018

M/s.Hotel Mayfield (P) Ltd.,
rep., through its,
Managing Director,
R.M.S.Ramasamy

... Petitioner

Vs

1.The Superintending Engineer,
Dindigul Electricity Distribution Code,
Dindigul.

2.The Executive Engineer,
TANGEDCO, Vathalagundu,
Dindigul Electricity Distribution Code,
Dindigul.

3.The Assistant Executive Engineer,
TANGEDCO, Kodaikanal,
Dindigul.

4.The Assistant Engineer,
TANGEDCO, Kodaikanal,
Dindigul.

5.R.Yesuraja

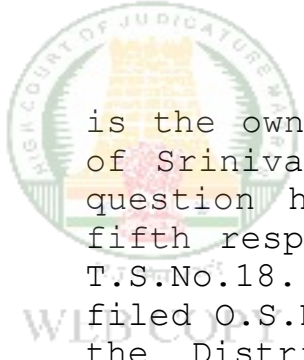
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to forbear the respondents from removing the transformer situated at Old Survey No.404 bearing Plot Nos.73A, 73B, 73C, 73D correlated in Resurvey No.Ward D, Block No.21, T.S.No.32 to an extent of 0.33.0 hectares 81 ½ cents bearing patta No.738 and in Re-survey Ward D, Block No.21, T.S.No.12 to an extent of 0.03.0 hectares or 7.41 cents or 3228 square feet bearing patta No.607 Srinivasapuram, Kodaikanal Town.

For Petitioner	: Mr.R.Murali
For R1 to R4	: Mr.S.M.S.Johnny Basha
For R5	: Mr.T.Leninkumar

ORDER

The Tamil Nadu Electricity Generation and Distribution Corporation (TANGEDCO) had installed a transformer in a land over which the writ petitioner as well as the fifth respondent are staking their rival claims. According to the writ petitioner, he



is the owner of the property comprised in T.S.No.12 and T.S.No.32 of Srinivasapuram in Kodaikanal Town and that the transformer in question has been erected only there. On the other hand, the fifth respondent claims that the transformer has been located in T.S.No.18. It is true that the petitioner herein has already filed O.S.No.40 of 2018 against the fifth respondent herein before the District Munsif Court, Kodaikanal. But then, the suit schedule pertains only to T.S.No.12 and T.S.No.32. The fifth respondent seeks shifting of the said transformer and he had also remitted the necessary charges for shifting the same. The TANGDCO has already accepted the request of the fifth respondent herein. It is at this stage this writ petition came to be filed and the interim order has also been granted.

2. It is further seen that the petitioner herein had already moved the Tahsildar, Kodaikanal in this regard. The Tahsildar, is however yet to take a decision as to whether the transformer is in question is located in T.S.No.12/T.S.No.32 or T.S.No.18. The petitioner filed W.P(MD).No.6368 of 2019 for directing the Tahsildar, Kodaikanal to pass final orders in the enquiry. This Court by order dated 20.03.2019 disposed of the writ petitioner's petition by recording the submission of the learned Government Advocate that the Tahsildar would pass final orders within a period of six weeks from the date of receipt of a copy of this order.

3. Heard the learned counsel on either side.

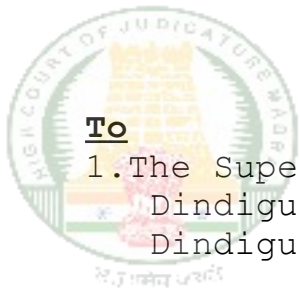
4. The issue that is to be decided is whether the transformer is in the petitioner's land or in the land belonging to the fifth respondent. The writ petitioner states that the transformer is in T.S.No.12/T.S.No.32 and the fifth respondent states that it is in T.S.No.18. It is only the Revenue authority, who can identify the location of the survey number, in which the transformer is situated. Since this Court has already given a direction to the jurisdictional Tahsildar to conclude the enquiry within a period of six weeks, the petitioner's rights can very well abide by the outcome of the said enquiry. The status-quo as on date shall continue till then.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (w)

// True Copy //



To

1.The Superintending Engineer,
Dindigul Electricity Distribution Code,
Dindigul.

2.The Executive Engineer,
TANGEDCO, Vathalagundu,
Dindigul Electricity Distribution Code,
Dindigul.

3.The Assistant Executive Engineer,
TANGEDCO, Kodaikanal,
Dindigul.

4.The Assistant Engineer,
TANGEDCO, Kodaikanal,
Dindigul.

**+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-60251[F] dated
10/04/2019)**

+1 CC to M/s.M.SURESH KUMAR, Advocate (SR-60316[F] dated 11/04/2019)

RMK

W.P. (MD) No.15659 of 2018
10.04.2019

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