



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.12.2019**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)NO.19990 OF 2019

and

W.M.P(MD)Nos.16509 and 19879 of 2019

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Iswarya

:Petitioner

.vs.

1.The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,Theni.

2.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Periyakulam Road,
Theni District.

3.The Junior Electrical Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Theni District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the third respondent in க.எண்.இமிபொ/ப/மதுராபுரி/வ.2/நா.அனி/அ.எண்.116 19, dated 12.3.2019 and to quash the same and consequently to direct the respondents to effect the service connection to the Petitioner's house situated in S.No.2630/58 of Lakshmipuram Village, Tamaraikulam, Bit-II, Periyakulam Taluk, Theni District.

For Petitioner

:Mr.B.Chakkaravarthi

For Respondents

:Mr.S.M.S.Johnny Basha

1 to 3

Standing Counsel for TNEB

O R D E R

This Writ Petition has been filed seeking to quash the impugned order passed by the third respondent in க.எண்.இமிபொ/ப/மதுராபுரி/வ.2/நா.அனி/அ.எண்.116 19, dated 12.3.2019 and consequently to effect the service connection to the Petitioner's house situated in S.No.2630/58 of Lakshmipuram Village, Tamaraikulam, Bit-II, Periyakulam Taluk, Theni District.

2.The Petitioner is the owner of a plot in S.No.2630/58, of Lakshmipuram Village, Tamaraikulam Bit-II, Periyakulam Taluk, Theni District and has constructed a house. It is stated that the house is constructed within the norms prescribed as per the plan approval and without any deviation. The Petitioner had applied for new electricity service connection to the third respondent and based on



which, an inspection was also caused. The Petitioner's house is facing Mission School Street, however, the back door of the Petitioner's house is facing V.O.C.Street. The third respondent, on inspection, has found that there is no sufficient place as required by the Act between the house and the electric pole. For shifting the electric pole some feet away in order to keep the low tension wire away from his house, the Petitioner has also paid the charges at Rs.9,380/- in the third respondent Office on 10.1.2019. Therefore, it is clear that the Petitioner has also got approval from the third respondent/Electricity Board for shifting the electric pole. While so, for executing and erecting the pole, the third respondent's workers went to the premises of the Petitioner and at that point of time, objection has been made by some third parties, who are the residents of the said street. Hence, the third respondent and his workers were unable to carry out the work and hence, the Electricity Board has issued the impugned order in க.எண்.இமிபொ/ப/மதுராபுரி/வ.2/நா.அனி/அ.எண்.116 19, dated 12.3.2019. The third respondent has not carried out the work only because of the objections from the other residents of the VOC Street.

3.From the photographs furnished by the learned counsel for the Petitioner, it is evident that there are already poles on the said street and there cannot be any impediment for any one of them for erecting an electric pole, as every resident requires electricity power supply. Admittedly, the electric pole is being erected only in the public road. If any person is aggrieved, it is for them to work out their remedy before the appropriate forum and they have no right to stop the authorities from discharging their duties. The authorities also cannot take advantage of the objections from some unknown persons and stop performing their duties.

4.In view of the above discussion, the Writ Petition stands allowed and the impugned order passed by the third respondent, dated 12.3.2019 is set aside and the third respondent is directed to provide electricity service connection to the Petitioner's house in S.No.2630/58 of Lakshmipuram Village, Tamaraikulam, Bit-II, Periyakulam Taluk, Theni District, after erecting an electric pole, maintaining the distance required by the Act and effect such electricity service connection to the Petitioner within a period of four weeks from the date of receipt of a copy of this order. If need be, if there is any threat from third parties, the third respondent is at liberty to avail the service of the Police for carrying out the said work. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //



To

- 1.The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Theni.
- 2.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Periyakulam Road,
Theni District.
- 3.The Junior Electrical Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Theni District.

+1 CC to M/s.B.CHAKKARAVARTHI, Advocate (SR-104411[F] dated
11/12/2019)

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-104612[F] dated
12/12/2019)

ORDER MADE IN
W.P (MD) NO.19990 OF 2019
and
W.M.P (MD) Nos.16509 and
19879 of 2019
11.12.2019

SMA/18/12/19/3P/6C