

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.29540 of 2016

1. R. Santhakumar
2. M. Suguna

...Petitioners

vs.

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
10th Floor, NPKRR Maligai,
No.144, Anna Salai, Chennai - 600 002.
2. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Collectrate Post, Dharmapuri - 636 705.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the 2nd respondent to remove the Electric Post erected in our cultivating land as per our representation dated 29.04.2016.

For Petitioner : Mr. M. Thamizhavel
For Respondents: Mr. M. Varunkumar,
Standing Counsel

O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus directing the 2nd respondent to remove the Electric Posts erected in the cultivating land as per their representation dated 29.04.2016.

2. Mr. M. Thamizhavel, learned counsel appearing for the petitioners submitted that the 2nd respondent had erected two electric posts in the petitioners' land without obtaining their permission as per Rule 67 of the Electricity Code. The learned counsel further submitted that the petitioners are willing to give their adjoining land for shifting the electrical posts.

3. Mr. M. Varun Kumar, learned Standing Counsel appearing for the respondents, submitted that the Electricity Board has power under section 164 to erect the electrical post even in the patta land. However, the learned counsel submitted that in the event of the petitioners giving an application for shifting the electrical posts to some other place, the same would be considered in accordance with law.

4. The learned counsel appearing for the petitioners submitted that the petitioners would give a fresh application within three weeks' time.

5. Having regard to the submissions made by the learned counsel on either side, the petitioners are granted three weeks' time for giving an application for shifting the electrical posts to their adjoining land and on receipt of the same, the 2nd respondent is directed to consider the same and pass orders, on merits and in accordance with law, within a period of four weeks thereafter.

With these observations, the Writ Petition is disposed of.
No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Rj
To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
10th Floor, NPKRR Maligai,
No.144, Anna Salai,
Chennai - 600 002.

2. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Collectrate Post,
Dharmapuri - 636 705.

+1 CC to Mr.M. Thamizhavel, Advocate sr 37516

+1 CC to Mr. Varun Kumar, Advocate sr 37656.

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UM(CO)
SP(11/12/2020)