

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.02.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.22017 of 2017
and WMP.No. 23071 of 2017

V. Jayachandran

...Petitioner

-vs-

1. The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Operation and Maintenance,
Marungur Post, Panruti Taluk,
Cuddalore District.

2. The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Pannruti Post and Taluk,
Cuddalore District.

3. V. Chandrakasan

4. Kaliaperumal

.... Respondents

PRAYER : Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records from the file of the 2nd respondent relating to his letter in Ka.No.Che.PO /Epa/Pan/Tho.Nu.U1 / Ko.Kattu/A.No. 032/2017 dated 22.04.2017 and to quash the same and to direct the respondents 1 and 2 to shift E.B cable line now running over S.No.249/3A the property of Baskaran and to lay the E.B. Service cable by putting up separate poles in the common lane in S.No.249/4B (Yellow washed portion in the plan) in Perperiyankuppam Village to his domestic service connection No.0209400476 standing in the name of his late father Veerasamy.

For Petitioner : Mr.S. Krishnasamy

For Respondents : Mr.Varun Kumar
Standing Counsel [R1 & R2]
Ms.R.Meenal [R3 & R4]

ORDER

Heard Mr.S.Krishnasamy, learned counsel for the petitioner, Mr.Varun Kumar, learned Standing Counsel for the respondents 1 and 2 and Ms.R.Meenal, learned counsel for the respondents 3 and 4.

2. With the consent of learned counsel on either side, this writ petition itself is taken up for final disposal.

3. The petitioner seeks for a writ of certiorarified mandamus to quash the impugned communication sent by the 2nd respondent dated 22.04.2017, by which, the request made by the petitioner for shifting the electric pole from the existing place and install the same in the common lane litigating to the petitioner's property was rejected.

4. It is not in dispute that petitioner and the 3rd respondent are the brothers and the 4th respondent is the cousin brother of the petitioner. It appears that there is some family dispute, which ultimately precipitated into this litigation.

5. The learned Standing Counsel appearing for the respondents 1 and 2 has produced the photographs of the properties owned by the respondents 3 and 4, from which, it is clear that the properties are house properties and are separated by a lane. The petitioner's property is situated behind the property of the 4th respondent. As of now, the petitioner and respondents 3 and 4 are enjoying the domestic electric service connection through a pole stated to have been erected in the property owned by Mr.Baskaran, 3rd party.

6. The averment made by the petitioner is that the said Baskaran proposes to put up a construction in his property and he wants the pole to be shifted. There is a slight dispute on this by the respondents 3 and 4. However, without going into the said controversy, it has to be seen as to whether the pole can be shifted or not?

7. Admittedly, there is a common path lane available in the property of the respondents 3 and 4, which will ultimately lead to the petitioner's property and other properties. The western side of the lane is sufficient for erecting a pole for give domestic electric supply. As long as electricity pole is erected and the Baskaran does not dismantle the pole, the status quo shall be continued.

8. However, as and when the pole in the Baskaran's property is removed and shifted, the said pole shall be erected in the common lane without causing any inconvenience to the respondents 3 and 4 i.e., to their buildings for white washing the property

etc., and all safety measures be adopted and thereafter the petitioner's property shall be energised.

In the light of the above direction, the impugned order is set aside and the 2nd respondent is directed to take appropriate action in this regard. In the result, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Operation and Maintenance,
Marungur Post, Panruti Taluk,
Cuddalore District.
2. The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Pannruti Post and Taluk,
Cuddalore District.

+1cc to Mr.S.Krishnasamy, Advocate, S.R.No.14044
+1cc to Mr.R.Meenal, Advocate, S.R.No.14477
+1cc to Mr.M.Varunkumar, Advocate, S.R.No.14856

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RSV(CO)
KKV/16/06/2020

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