



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7102 of 2020 and

WMP(MD) No.6545 of 2020

WEB COPY

Jayabarathi

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation & Distribution Corp Ltd,
K.Pudur,
Madurai.

2.The Assistant Engineer,
Tamil Nadu Generation & Distribution Corp Ltd,
Peraiyur,
Madurai District.

3.Jailani,
W/o K.Sait,
14/8/6, Mela Muslim Street,
Peraiyur, Madurai District.

... Respondents

(R3 is impleaded vide Court order dated 13.07.2020 in WMP(MD) No.6985/2020 in WP(MD) No.7102/2020 by GRSJ)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from installing HT electric poles in K.R.K. Nagar, Peraiyur, Madurai District (near to the petitioner's house) and granting such other and further relief which this Court deems fit and proper in the circumstances of this case.

For Petitioner	: Mr.R.M.Arun Swaminathan
For Respondents	: For R1 & R2 - Mrs.M.Rajeshwari for Mr.S.M.S.Johny Basha
	For R3 Mr.Jayakumaran

O R D E R

Heard the learned counsel for the Writ petitioner, the learned Counsel for the respondents 1 & 2 and the learned counsel appearing for the third respondent.



2.The petitioner states that she is the owner of the house property bearing Plot No.5 & 6 in Survey No.91/5 in Peraiyur Revenue Village. She states that in order to oblige the impleaded third respondent, the TANGEDCO Authorities are drawing high tension over head lines from near her house. The petitioner states that if the over head lines are drawn as per the proposal, it will endanger the inmates of her home. The learned counsel on either side produced sketch indicating the present position as well as the proposed drawing of over head line.

3.The learned counsel for the third respondent specifically submitted that no new transformer is going to be laid for this purpose, only a pole is to be installed and that too far away from the house of the petitioner. The petitioner's counsel would state that if the pole is laid, the width of the lane will be further reduced. I am therefore of the view that the first respondent should hear the petitioner as well as the third respondent before taking any further action. The petitioner can place all the relevant materials for the consideration of the respondent. The learned counsel for the second respondent also can place all the materials to show that the rights of the petitioner will not be affected. The prime consideration that should govern the decision of the first respondent is that, the proposed works should not in any way endanger the petitioner. The first respondent will take a decision in the matter within four weeks from the date of receipt of a copy of this order. Till then, the respondents 1 & 2 will not carry out the proposed works. I make it clear that I have not gone into the merits of the case.

4. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

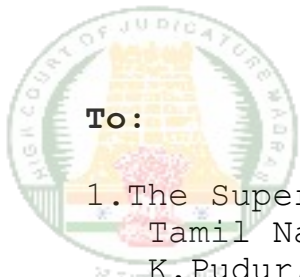
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/ /2020

Sub Assistant Registrar(CS)

vrn

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

1.The Superintending Engineer,
Tamil Nadu Generation & Distribution Corp Ltd,
K.Pudur,
Madurai.

2.The Assistant Engineer,
Tamil Nadu Generation & Distribution Corp Ltd,
Peraiyur,
Madurai District.

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AP(01/09/2020) 3P 3C