



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2020

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WEB COPY

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

**W.P. (MD)No.7973 of 2020**

M.HelenRoselet Mry

... Petitioner

Vs.

1.The Tamilnadu Electricity Regulatory Commission,  
Anna Salai, Egmore, Chennai - 600 008.

2.The Superintending Engineer,  
Tamilnadu Electricity Board,  
Kanyakumari Distribution,  
Nagercoil.

3.The Executive Engineer,  
Thuckalay, Kanyakumari District.

4.The Assistant Executive Engineer,  
Eraniel, Kanyakumari District.

5.S.Benjamin

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to remove the 3 phase electric service line from petitioner's land in S.No.172/1 and consequently dispose the petitioner's representation dated 07.11.2019 within the time frame as may be fixed by this Court.

For Petitioner : Mr.S.S.Sundarapandian

For R1 : Dispense with

For R2 to R4 : Ms.M.Rajeswari  
for S.M.S.Johny Basha

**ORDER**

Heard the learned counsel for the petitioner and the learned Standing Counsel for respondents 1 to 4. The fifth respondent could not be heard.

<https://hcservices.ecourts.gov.in/hcservices/>



2.It appears that the fifth respondent is presently abroad. The petitioner is a permanent resident of Keezhmidalam Village. Her house bears the Door No.3/140A. It is in S.No.172/1. On the southern side of the petitioner's house, the house of the fifth respondent is located. The fifth respondent is now enjoying a three phase service connection and poles for drawing the lines have been installed on the petitioner's land in S.No.172/1. The petitioner seeks removal of the same.

3.However, the learned Standing Counsel pointed out that the father of the fifth respondent namely Sundararaj who is now no more was enjoying a single phase electricity connection for the last several decades. In fact, the poles on which the lines were drawn were installed only on the petitioner's land in S.No.172/1. What has happened now is only a mere conversion of a single phase connection into a three phase connection and nothing else. The learned Standing Counsel states that the conversion has taken place way back in February, 2019. This writ petition has been filed only in July, 2020.

4.I am therefore of the view that when the fifth respondent family is enjoying the three phase electricity service connection for more than 1 ½ years and what has happened is a mere conversion of single phase to three phase service connection, no interference is called for. Ofcourse, for conversion of the single phase to three phase electricity service connection, extra pole was needed to be laid. But then, there was no major alteration of the existing position.

5.The department is now willing to remove the lines subject to two conditions. a) the petitioner must bear the cost of shifting and making alternative arrangement. b)it is the petitioner who must identify the alternative route and also ensure that the same is not objected to by the concerned land owners. If the petitioner can secure no objection from others and also bear the cost of shifting, the department is ready to shift the petition mentioned connection.

6.Recording the said offer made by the TANGEDCO through the learned standing counsel, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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**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,  
Tamilnadu Electricity Board,  
Kanyakumari Distribution, Nagercoil.

2.The Executive Engineer,  
Thuckalay, Kanyakumari District.

3.The Assistant Executive Engineer,  
Eraniel, Kanyakumari District.

+1 CC to Mr.S.S. SUNDARAPANDIAN, Advocate ( SR-17235[F] dated  
17/09/2020 )

**W.P. (MD)No.7973 of 2020**  
**15.09.2020**

VB (05.10.2020) 3P 5C