



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.3230 of 2017

K.Krishnamoorthy

... Petitioner

Vs.

1. The Superintending Engineer,
TNEB,
Thoothukudi Distribution Circle,
Thoothukudi.

2. The Assistant Executive Engineer,
Distribution TANGEDCO,
Kovilpatti, Thoothukudi District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to remove the transformer erected in the land of the petitioner in S.No.204/2 of Karisalkulam Village, Kovilpatti Taluk.

For Petitioner	: M/s.Lakshmi Gopinathan, for M/s.Polax Legal Solutions.
For Respondents	: M/s.M.Rajeswari, for Mr.S.M.S.Johny Basha, Standing Counsel.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondents.

2. The petitioner complains that in the petition mentioned land which belongs to him, the respondents have erected a transformer. He wants this Court to direct its removal.

3. Per contra, the learned Standing counsel states that the transformer in question has been put up only in Survey No.413/1 and it is a poramboke land. Thus, there is a dispute regarding the very location of the transformer. While the petitioner would claim that it has been located in his land, the respondents would claim that it is on a poramboke land.

4. Exercising my writ jurisdiction, I am not in a position to go into the factual dispute. This is a case in which the



petitioner has to necessarily establish his rights only before the jurisdictional civil Court. Therefore, leaving open the petitioner's right to move the jurisdictional civil Court for appropriate relief, this writ petition stands dismissed.

5. It reiterate that I have not gone into the merits of the matter. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

pmu

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,
TNEB,
Thoothukudi Distribution Circle,
Thoothukudi.
2. The Assistant Executive Engineer,
Distribution TANGEDCO,
Kovilpatti, Thoothukudi District.

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