

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No. 21533 of 2016
and
W.M.P. No. 18403 of 2016

M.Devaraju

... Petitioner

Vs

1. The District Collector-cum-Magistrate,
Cuddalore District, Cuddalore.
2. The Chairman,
Tamil Nadu Electricity Generation &
Distribution Co. Ltd.,
(TANGEDCO),
10th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Tamil Nadu Electricity Generation &
Distribution Co. Ltd.,
(TANGEDCO),
Cuddalore.
4. The Executive Engineer (O&M),
Tamil Nadu Electricity Generation &
Distribution Co. Ltd.,
(TANGEDCO),
Nellikuppam, Cuddalore District.
5. The Junior Engineer,
Tamil Nadu Electricity Generation &
Distribution Co. Ltd.,
(TANGEDCO),
Nellikuppam, Cuddalore District.

6. K.Ganapathi,
S/o.Kalian

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 to 5 to refer the dispute raised by the petitioner in his representation dated 27.05.2016 to the 1st respondent under the provisions of Section 27(4) of the Tamil Nadu Distribution Code and Rule 3 of Work of License Rules 2006.

For Petitioner : Mr.D.Ravichander

For R1 : Mr.M.D.Ilayaraja
Government Advocate

For R2 to R5 : Mr.M.Varun Kumar
Standing Counsel

ORDER

The petitioner has filed the writ petition seeking for issuance of writ of mandamus, to direct the 2nd to 5th respondents to refer the dispute raised by the petitioner in his representation dated 27.05.2016 to the 1st respondent/District Collector-cum-Magistrate, Cuddalore District under Section 27(4) of the Tamil Nadu Distribution Code and Rule 3 of Work of License Rules 2006.

2. The petitioner claims to have purchased a property in S.No.462/2A to an extent of 2.44 acres and in S.No.465 to an extent of 0.60 acres. The writ petition has been filed on the ground that there was a proposal to erect electric pole in the land belonging to the petitioner purchased by the petitioner on 21.03.1984. It is further submitted that the petitioner also filed a suit restraining the encroachers from encroaching upon the property in O.S.No.171 of 2012.

3. The learned counsel for the respondents on the other hand submits that the writ petition is not maintainable inasmuch as, the petitioner claim rights over the public path way as to his own. It is submitted that no electric pole was proposed to be installed in the property of the petitioner in S.No.462/2A and S.No.465. It was proposed to be installed only on the public path way.

4. The learned counsel for the petitioner on the other hand submits that pending disposal of the writ petition, the respondents have also laid the electric line/electric poles for giving electric connection to the 6th respondent.

5. The learned counsel for the 2nd to 5th respondents/TANGEDCO submits that under Section 27(4) of the

Tamil Nadu Distribution Code and Rule 3 of Work of License Rules 2006 is not applicable under the circumstances as it applies only in respect of the land where the tenant is seeking to obtain electricity connection and therefore for getting such connection, such tenant has to obtain a no objection from the owner, whereas, in this case public path way was being used and therefore the writ petition is not maintainable.

6. Considering the fact that the petitioner's representation dated 27.05.2016 has not been considered by the respondents, I direct the respondents to consider the same and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. All further steps will in terms of such orders that may be passed by the 1st respondent. The 1st respondent may call upon the petitioner for a hearing before passing such order.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

arb
To

1. The District Collector-cum-Magistrate,
Cuddalore District,
Cuddalore.

2. The Chairman,
Tamil Nadu Electricity Generation &
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3. The Superintending Engineer,
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Cuddalore.

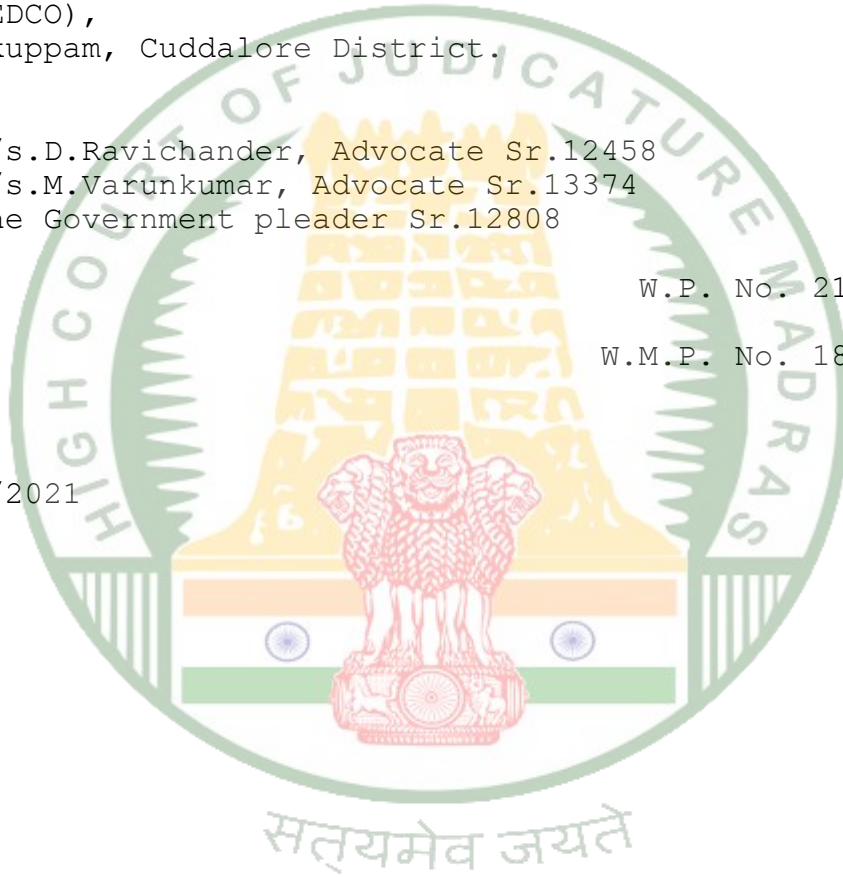
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Cuddalore District.

5. The Junior Engineer,
Tamil Nadu Electricity Generation &
Distribution Co. Ltd.,
(TANGEDCO),
Nellikuppam, Cuddalore District.

+1cc to M/s.D.Ravichander, Advocate Sr.12458
+1cc to M/s.M.Varunkumar, Advocate Sr.13374
+1cc to the Government pleader Sr.12808

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srg 26/03/2021



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