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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. No.17609 of 2021
& W.M.P.No.18739 of 2021

A.Venkatesh

...Petitioner

-Vs-

- 1.The Ombudsman,
Tamil Nadu Electricity Ombudsman
4th Floor SIDCO Corporate Office Building,
Thiru-Vi-Ka, Industrial Estate,
Guindy,
Chennai - 600 032.
- 2.The Chairman
Consumer Grievance Redressal Forum,
Coimbatore Electy. Distn. Circle/Metro,
Tatabad, Coimbatore.
- 3.The Executive Engineer/O&M/Ondipudur Division,
CEDC/Metro,
Coimbatore.
- 4.The Assistant Engineer/O&M/Singanallur,
CEDC/Metro,
Coimbatore.
- 5.M.S.Selvaraj
- 6.K.Kamalaveni
- 7.K.Jegadeesan
- 8.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore.

....Respondents

(R8 is suo motu impleaded as per order dated 24.08.2021 by NAVJ in W.P.No.17609 of 2021)



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of order dated 26.4.2021 passed in A.No.57 of 2020 on the file of the 1st respondent and quash the same and forbear the respondent No.3 to 4 from shifting and erection of electricpole in the 20 feet law out road situated at Bala Naidu Layout, varadharajpuram Medu, Uppilipalayam, coimbatore, till final orders passed by the Commissioner, Coimbatore City Municipal Corporation as per order dated 4.9.2020 made in W.P.No.11774 of 2020 on the file of this Court.

For Petitioner : Mr.K.Myilsamy

For Respondents: Mr.M.Abul Kalam
Standing Counsel for R1 to R4

Mr.K.Magesh
Standing Counsel for R8

O R D E R

This writ petition was filed challenging the proceedings of the 1st respondent dated 26.04.2021 and for a consequential direction to respondents 3 & 4 forbearing from shifting and erection of the electric pole in the 20 Feet lay out road situated at Bala Naidy Lay out, Varadharajapuram Medu, Uppilipalayam, Coimbatore, till final orders are passed by the Commissioner Coimbatore City Municipal Corporation as per order dated 04.09.2020 made in W.P.No.11774 of 2020.

2.When the matter was taken up for hearing on 14.09.2021, this Court passed the following order:

The learned Standing counsel appearing on behalf of the 8th respondent Corporation submitted that the order passed by the Hon'ble Divison Bench on 04.09.2020, is yet to be complied with, since the Corporation did not possess the copy of the representation made by the petitioner on 28.02.2020 and other connected documents.

2.The learned counsel for the 8th respondent submitted that the petitioner may be directed to submit all the relevant documents before the 8th respondent and thereafter, the 8th respondent will pass orders and report before this Court.



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3.The petitioner is directed to immediately submit the copy of the representation dated 28.02.2020 along with all the relevant documents before the Commissioner, Coimbatore City Municipality Corporation, Coimbatore, within a period of one week from the date of receipt of a copy of this order. The Commissioner on receipt of the same, shall deal with the representation in accordance with law and in accordance with the directions given by the Hon'ble Division Bench in WP No.11774 of 2020 dated 04.09.2020 and pass orders within a period of four weeks thereafter.

4.Post this case under the caption for "Reporting compliance" on 26.10.2021.

3.When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the 8th respondent submitted that the order passed by the Division Bench has been complied with and that no permission has been granted by the Coimbatore Corporation for shifting of the electric pole.

4.The learned Standing Counsel appearing on behalf of the Department submitted that since there was an objection made by the residents of the concerned layout, no further work was carried out by the respondents.

5.Recording the submission made by the learned Standing Counsel appearing on behalf of the Corporation and the learned Standing Counsel appearing on behalf of the Electricity Department, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssr
To

1.The Ombudsman,
Tamil Nadu Electricity Ombudsman
4th Floor SIDCO Corporate Office Building,
Thiru-Vi-Ka, Industrial Estate,
Guindy,
Chennai - 600 032.



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