



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.17416 of 2021
and W.M.P.Nos.18474 & 18475 of 2021

Kalaiselvi

...Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
Chennai - 02.
2. The Junior Electrical Engineer,
Operation & Maintenance
Udumalai Electricity Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Erisanmpatti Village,
Udumalpet Taluk,
Tiruppur District.
3. The Tahsildar,
Udumalpet Taluk,
Tiruppur District.
4. The Village Administrative Officer,
Valayapalayam Village,
Udumalpet Taluk,
Tiruppur District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of order in Ka. No. J.E.E/O.P/E.Patti/Ko.Mi.E/A.No. 090/21-22 dated 09.08.2021 passed by the 2nd respondent herein and quash the same and consequently direct the respondents 1 and 2 not to transport electric line and put electric post on the petitioner's land at S. F. No.333/B in Valayapalayam Village of Udumalpet Taluk in Tiruppur District without identifying the boundary stone of poromboke land in S.F.No.316 and 317 of Valayampalayam Village of Udumalpet Taluk in Tiruppur District which is situated at adjacent to petitioner's above land.



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For Petitioner : Mr.N.Ponraj
For Respondents: Mr.A.Selvendiran
Government Advocate
for R3 and R4
Mr.M.Abul Kalam
Standing Counsel
for R1 and R2

O R D E R

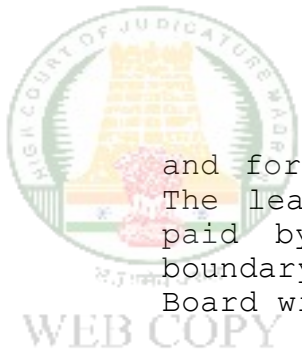
This writ petition has been filed challenging the proceedings of the 2nd respondent dated 09.08.2021 and for a consequential direction to the respondents not to lay the electric post in the patta land belonging to the petitioner without identifying the boundaries of the property belonging to the petitioner.

2.The case of the petitioner is that she is the owner of the agricultural land situated at S.F.No.333/B in Valayapalayam Village of Udumalpet Taluk in Tiruppur District. The further case of the petitioner is that the 2nd respondent is in the process of erecting poles in the poramboke land that is situated in S.F.No.316 and 317 and which is situated on the southern side of the property belonging to the petitioner.

3.The grievance of the petitioner is that the 2nd respondent is going ahead with the work even without properly identifying the boundaries and thereby there are chances of the poles being laid in the patta land belonging to the petitioner. The petitioner made a representation in this regard and the same was considered by the 2nd respondent and the 2nd respondent through letter dated 09.08.2021 informed the petitioner that the work cannot be postponed since it involves public interest and that apart the petitioner has not taken any steps to survey the property and fix the boundary stones and consequently the petitioner was directed to take steps to fix the boundary stones, failing which, the 2nd respondent will proceed further with the work.

4.When the matter came up for admission on 19.08.2021, this Court directed the learned Government Counsel to take instructions from the 3rd respondent as to how much cost will be incurred by the petitioner if the property is to be surveyed and boundary stones are laid.

5.When the mater was taken up for hearing today, the learned Government Counsel submitted the written instructions received from the 3rd respondent. It is seen from the instructions that the total cost that is payable by the petitioner for the survey



and for laying the boundary stones will be a sum of Rs.8600/-. The learned Government Counsel submitted that if this cost is paid by the petitioner, the property will be surveyed and boundary stones will be laid and thereafter the Electricity Board will proceed further with their work.

6.The learned counsel for the petitioner submitted that the Electricity Board is unnecessarily making the petitioner incur the cost and it is the duty of the Electricity Board to make a proper survey and lay the poles in the poramboke land. The learned counsel submitted that the petitioner is not intending to stop the work that is carried on by the Electricity Board and the attempt made by the petitioner is only to safeguard her property from being utilized for laying the poles.

7.In the considered view of this Court, it will be in the interest of the petitioner to conduct proper survey and lay the boundary stones. If the same is not done and ultimately the poles are laid in the patta land belonging to the petitioner, the situation will become more complicated and the petitioner may have to spend more money by once again approaching this Court and seeking for direction. Once the property is surveyed and the boundary stones are laid, the chances of the Electricity Board encroaching upon the property of the petitioner can be ruled out and the petitioner will be able to safeguard her property.

8.In view of the above discussion, there shall be a direction to the petitioner to pay a sum of Rs.8600/- before the 3rd respondent, within a period of two weeks from the date of receipt of copy of this order. The 3rd respondent on receipt of the same, shall direct the Surveyor to conduct the survey based on the title documents of the petitioner and lay the boundary stones. This process shall be completed by the Surveyor, within a period of four weeks from the date of receipt of copy of this order. Once this work is completed and the boundary stones are laid, it is thereafter left open to the 2nd respondent to continue with the work without any hindrance.

9.This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



ssr
To

1. The Chairman,
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Chennai - 02.
 2. The Junior Electrical Engineer,
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Udumalai Electricity Distribution Circle
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Udumalpet Taluk,
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 4. The Village Administrative Officer,
Valayapalayam Village,
Udumalpet Taluk,
Tiruppur District.
- +1 CC to M/s.M.Abulkalam, Advocate, Sr.No. 42547.
+1 CC to The Special Government Pleader, Sr.No. 42652.

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and W.M.P.Nos.18474 & 18475 of 2021

RP(CO)
LS(16/09/2021)