



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.16496 OF 2020

AND

W.M.P.NO.20472 OF 2020

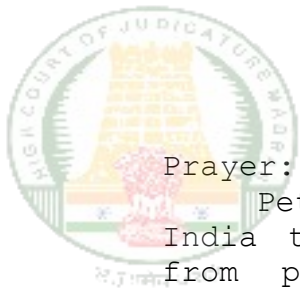
V.Vijayarangan

... Petitioner

Vs.

1. The Superintending Engineer
Tamil Nadu Generation and
Distribution Corporation Limited,
Capper Hills,
Cuddalore.
2. The Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Capper Hills,
Cuddalore.
3. The Assistant Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Sub-Station (SS),
Periakattusagai,
Kurinjipadi Taluk,
Cuddalore District.
4. The Assistant Engineer (O and M) (Urban),
Tamil Nadu Generation and
Distribution Corporation Limited,
Kullanchavadi,
Kurinjipadi Taluk,
Cuddalore District.
5. The Collector,
Cuddalore District,
Cuddalore.

... Respondents



Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from putting up any overhead lines over and across the petitioner's land in S.Nos. 125/6A Hec.0.05.0, 125/6C Hec.0.02.0, 126/7 Hec.0.17.5, 126/13A Hec.0.15.0, 126/13C Hec.0.20.0 in Neerazhi Village, Kurinjipadi Taluk, Cuddalore District.

For Petitioner : Mr.R.Gururaj

For Respondents : Mr.L.Jai Venkatesh
for R1 to R4
Mr.P.Gurunathan for R5
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents from putting up any overhead lines over and across the petitioner's land in S.Nos. 125/6A Hec.0.05.0, 125/6C Hec.0.02.0, 126/7 Hec.0.17.5, 126/13A Hec.0.15.0, 126/13C Hec.0.20.0 in Neerazhi Village, Kurinjipadi Taluk, Cuddalore District.

2.The case of the petitioner is that the petitioner is the owner of the subject property and has been raising sugarcane crops in the said lands. According to the petitioner, respondents 1 to 4 have planned to take overhead lines in the said lands and also to install electricity poles and the staff of the respondents came to the subject property on 07.10.2020 without any permission and made inspection. Hence, the petitioner made objection/ representation to the respondents on 07.10.2020 and sent on 08.10.2020 and the third respondent addressed the fourth respondent to consider the petitioner's representation and to send a report to him. However, there was no action. Hence, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that as per Section 16(1) of the Indian Telegraph Act, 1885, the respondents should obtain an order of the District Magistrate for erection of the electricity poles and without following the said procedure, the respondents are trying to erect the electricity poles. However, without going into the merits of the case, it would suffice, if this Court issues direction to the fifth respondent to consider the petitioner's representation dated 07.10.2020 and to pass appropriate orders.



4.The learned Additional Government Pleader appearing for the fifth respondent submitted that the petitioner's representation would be considered, in accordance with law, however, this Court may issue direction to the petitioner to send a copy of the representation along with a copy of this order, so as to enable the fifth respondent to pass appropriate orders.

5.In view of the above, this Court directs the petitioner to send a copy of the representation dated 07.10.2020, along with a copy of this order, to the fifth respondent. On receipt of the same, the fifth respondent is directed to consider the same and pass appropriate orders, in accordance with law, as expeditiously as possible.

6.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer
Tamil Nadu Generation and
Distribution Corporation Limited,
Capper Hills,
Cuddalore.
2. The Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Capper Hills,
Cuddalore.
3. The Assistant Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
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Periakattusagai,
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Cuddalore District.



4. The Assistant Engineer (O and M) (Urban),
Tamil Nadu Generation and
Distribution Corporation Limited,
Kullanchavadi,
Kurinjipadi Taluk,
Cuddalore District.

5. The Collector,
Cuddalore District,
Cuddalore.

+1cc to Mr.D.Baskar, Advocate, S.R.No.69376

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.69650

+1cc to the Government Pleader, S.R.No.69566

W.P.No.16496 of 2020
And
W.M.P.No.20472 of 2020

GPL (CO)
RLP (31/01/2022)