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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.21473 of 2021

S.Meganathan

... Petitioner

-Vs-

1 The Assistant Engineer,
Tamil Nadu Electricity Board,
Vembuli Naickan Street,
Vanagaram, Chennai - 600 095.

2 Mr.S.Perumal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 18.8.2021 and to dispose the same within a reasonable time and consequently direct the 1st respondent to remove or install the Electricity Pillar of Electricity Line 405-007-361 in some other common place other than the present petitioner's place bearing Door No.1/30, Singara Naicker Street, Chethiyar Agaram, Chennai 77.

For Petitioner : Mr.M.Chidambaram

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel for R1

O R D E R

This writ petition has been filed for issue of writ of mandamus directing the 1st respondent to consider the representation made by the petitioner on 18.08.2021 wherein the petitioner has sought for the removal of the electric pole that is erected in S.No.1/30.

2.When the matter came up for admission on 05.10.2021, this Court passed the following order:

Mr.L.Jai Venkatesh, learned Standing Counsel takes notice on behalf of the respondents.



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2. The specific case of the petitioner is that, an electric post was put up in S.No.1/30 and the service connection was utilised by the second respondent when he was in possession and enjoyment of the property. The further case of the petitioner is that, there was a family partition and S.No.1/30 has now been allotted in favour of the petitioner. The electric post that stands in the property is coming in the way of the petitioner from developing the property. Therefore, he made a representation to the first respondent to remove the electric pole. Since the same was not considered, the present writ petition has been filed seeking for appropriate directions.

3. The learned Standing counsel appearing on behalf of the first respondent shall take instructions and report before this Court. Post this case immediately after admission on 26.10.2021.

3. When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the 1st respondent submitted that the representation made by the petitioner will be considered and the facts stated by the petitioner will be verified and thereafter, appropriate action will be taken by the 1st respondent.

4. Taking into consideration the facts and circumstances of the case, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 18.08.2021 and call for an enquiry of the petitioner and the 2nd respondent. The 1st respondent shall verify the fact as to whether the property in S.No.1/30 has been allotted in favour of the petitioner. That apart the 1st respondent shall also verify the fact as to whether the electric pole standing in the property was exclusively erected for providing electricity for S.No.1/30 or there are any other service connections which has been given from the very same electric pole. On such enquiry, the 1st respondent shall take a decision and inform the petitioner, within a period of four weeks from the date of receipt of copy of this order.

5. The petitioner is directed to make a fresh representation to the 1st respondent along with the copy of the earlier representation dated 18.08.2021 and a copy of this order.



6.This writ petition is disposed of with the above directions. No Costs.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssr

To

The Assistant Engineer,
Tamil Nadu Electricity Board,
Vembuli Naickan Street,
Vanagaram, Chennai - 600 095.

+lcc to Mr.M.Chidambaram, Advocate Sr.54985
+lcc to Mr.L.Jai Venkatesh, Advocate Sr.54921

W.P. No.21473 of 2021

gpl[co]
srg 16/11/2021