



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21236 of 2019

and

W.M.P.No.20436 of 2019

Vennila

... Petitioner

Vs.

1. The Assistant Executive Engineer,
Operation and Maintenance
Tamil Nadu Electricity Board (TNEB)
Kaaramangudi and Mealapalaiur,
Srimushnam Taluk,
Keeranur Post, Cuddalore District.

2. The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board (TNEB)
Bhoodhamore, Virudhachalam,
Cuddalore District.

3. The District Collector,
Cuddalore, Cuddalore District,
Tamil Nadu.

4. Sivaprakash

5. Mani

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioners objection dated 04.04.2019 and 03.06.2019 and pass order on merit and in accordance with law and till such time not to erect any electricity pole or draw High tension electricity line over the petitioners property bearing Survey No. 76 / 6A 76 / 7A, situated in the north side margin of the Karuvepplankuruchi, Devangudi Main road at K. Thozhur village.

For Petitioner : Mr.P.R.Thiruneelakandan



For R1 and R2 : Mr.L.Jaivenkatesh
Government Advocate

For R3 to R5 : No appearance

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O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 3 to consider the petitioners objection dated 04.04.2019 and 03.06.2019 and pass order on merit and in accordance with law and till such time not to erect any electricity pole or draw High tension electricity line over the petitioners property bearing Survey No. 76 / 6A 76 / 7A, situated in the north side margin of the Karuvepplankuruchi, Devangudi Main road at K. Thozhur village.

2. In view of the limited relief sought for in this petition, On the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the owner of the land bearing S.F.No.76/6A, 76/7A to an total extent of 17.50 ars in the north side margin of the Karuvepplankuruchi-Devangudi Main road at K.Thozhur Village. In the south side of the said road, already there exist low tension electricity line (shortly referred as 'LT line'), which has been used to draw electricity connection to the residential houses and in the southern side of the said road, already there is an existing high tension electricity line running across east to west direction and on the same side, the respondents 4 and 5 have their patta land at S.F.No.74/2B2C, 74/2B2D and for which they have applied for electricity connection. The respondents 1 and 2 instead of providing electricity connection to the property of the respondents 4 and 5 from the existing HT line in south side of the road, at the instance of the respondents 4 and 5, in order to avoid drawing electricity connection across their property, attempting to draw electricity line from the existing HT line at south side of the road. The petitioner and other house owners objected the same and made representation dated 03.06.2019 to the respondents 1 to 3, however till date the said objection has not been considered. Furthermore, the respondents 1 and 2, with an ulterior motive, attempting to erect electricity pole in the northern side of the road over the petitioner property, which would affect the petitioner's right



and enjoyment of the properties. Aggrieved by the same, the present Writ Petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representations dated 04.04.2019 and 03.06.2019 and pass orders on the same within a particular time frame fixed by this Court.

5. The learned Government Advocate has no objection for said order being passed.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 1st respondent to consider the petitioner's representation dated 03.06.2019 on merits and in accordance with law and pass appropriate orders after providing opportunity to the respondents 4 and 5, within a period of six weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Executive Engineer,
Operation and Maintenance
Tamil Nadu Electricity Board (TNEB)
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Srimushnam Taluk,
Keeranur Post, Cuddalore District.
2. The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board (TNEB)
Bhoodhamore, Virudhachalam,
Cuddalore District.



3. The District Collector,
Cuddalore, Cuddalore District,
Tamil Nadu.

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+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.63625

+1cc to the Government Pleader, S.R.No.62985

W.P.No.21236 of 2019

SV-I (CO)
SU(21/12/2021)