



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.2746 of 2021

(Through Video Conferencing)

A.Jaffar Ali

... Petitioner

Vs.

1.The Superintending Engineer
TANGEDCO
No.1 Vallam Road
Thanjavur

2.The Assistant Executive Engineer
(Operation & Maintenance)
TANGEDCO
Thriuvaiyaru

3.The Assistant Engineer
(Operation & Maintenance)
TANGEDCO
Thiruvaiyaru

4.Shanmughanathan

5.Shanmughasundaram

... Respondents

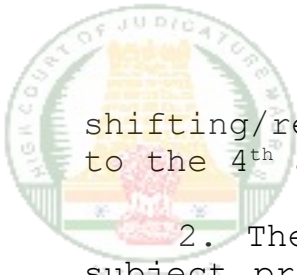
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to remove the electric poles put up by the respondents 2 and 3 in the petitioner's property namely lands of Nanja and Punja comprised in S.Nos.21/1D, 21/1E, 21/2C and 21/2D of total extent of 2 Acres 59 cents situated at Akkaraipadugai, Kudamurutti, Thiruvallampozhil Village, Thiruvaiyaru Taluk, Thanjavur District and consequently direct the respondents 2 and 3 to give electric supply to the lands of the 4th and 5th respondents by re-routing and erecting electric poles through their property comprised in S.Nos.21/1A2A, 21/1B and 21/2A to S.NOs.17, 18 and 19.

For Petitioner :Mr.P.Dinesh Kumar

For Respondents :Mr.S.M.S.Johnny Basha for R1 to R3

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to consider the complaint made by the petitioner wherein the petitioner has sought for



shifting/removing the electric poles and to provide electric supply to the 4th and 5th respondents through an alternative route.

2. The case of the petitioner is that he is the owner of the subject properties measuring an extent of 2 acres and 59 cents and he undertakes banana plantation in the property. According to the petitioner, the electric supply to the 4th and 5th respondents is given from an electric post, where the wires virtually go through the plantation and thereby is causing a serious risk to the petitioner. It is stated that due to the low lying wire, on 22.05.2020 at about 2 p.m., there was a spark, which virtually destroyed the entire plantation in the property belonging to the petitioner and thereby the petitioner suffered a loss.

3. The petitioner, therefore, once again made a representation to the respondents to provide electricity connection to the 4th and 5th respondents through an alternative route. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

5. It was brought to the notice of this Court that the service connection was provided to the 4th and 5th respondents in the year 2002 and it cannot be disturbed just because there was a fire accident in the property belonging to the petitioner.

6. The learned counsel for the department submitted that there is an alternate route available and the 4th and 5th respondents can be provided supply by erecting a pole at the alternate place. However, this cost must be borne out by the parties. If the parties are agreeable to bear the cost, it was submitted that the department is willing to provide electricity supply to the 4th and 5th respondents by placing the pole in the alternate route.

7. Taking into consideration the facts and circumstances of the case and in order to strike a balance between the parties, the third respondent is directed to identify the alternate route and inform the petitioner and the 4th and 5th respondents about the total cost that will be incurred for shifting the electric pole. This cost shall be borne equally by the petitioner and the 4th and 5th respondents. Once the cost is paid, the third respondent shall immediately take steps to shift the electric pole to the alternate route and continue the supply to the 4th and 5th respondents. The third respondent shall intimate the petitioner and 4th and 5th respondents regarding the cost within a period of two weeks from the date of receipt of a copy of this order. On payment of cost, the shifting of the pole shall take place as expeditiously as possible.



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W.P.(MD)No.2746 of 2021

8. This writ petition is disposed of with the above directions.
No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Assistant Engineer
(Operation & Maintenance)
TANGEDCO
Thiruvaiyaru

W.P. (MD)No.2746 of 2021
01.07.2021

SSS(CO)
KB(08.07.2021) 3P 2C