



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10424 of 2020

R.Vaiyadurai

... Petitioner

-Vs-

- 1.The Superintending Engineer (Rural),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Race Course Road, K.Pudur, Madurai.
- 2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Samayanallur, Madurai District.
- 3.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Samayanallur, Madurai District.
- 4.The Assistant Engineer (Rural),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Samayanallur, Madurai District.
- 5.The Inspector of Police,
Law and Order,
Samayanallur Police Station,
Samayanallur,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to shift the electric pole and line which is now running over the petitioner's house situated at No.2/570, Burma Colony, Thoodaneri Road, Samayanallur.

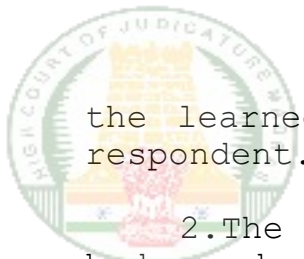
For Petitioner : Mr.S.M.Mohan Gandhi

For Respondents : Mrs.Parameswari,standing counsel,
For Mr.S.M.S.Jhonny Basha for R1 to R4.

Mr.C.Ramar,
Additional Government Pleader for R5

ORDER

Heard the learned counsel appearing for the petitioner, the learned standing counsel appearing for the respondents 1 to 4 and
<https://hcservices.ecourts.gov.in/hcservices/>



the learned Additional Government Pleader appearing for the fifth respondent.

2.The petitioner is a permanent resident of Samayanallur. He had purchased the petition mentioned property way back in the year 1995 and put up a construction in the year 2000. The grievance of the petitioner is that the electric line is running dangerously close to his house and he wanted the same to be shifted. The petitioner gave an application in this regard on 14.08.2019 and the application was favourably considered by the fourth respondent, who directed the petitioner to deposit a sum of Rs.19,990/-. Though the petitioner had deposited the said amount, the work could not be carried out. This was on account of the objections raised by the other members of the street.

3.When the matter was taken up for admission, I wanted to know from the learned standing counsel whether by accepting the petitioner's request, the rights of other residents of the street will be affected. The learned standing counsel after getting information made a categorical statement that technical feasibility report has been obtained and that by accepting the petitioner's request, nobody will be prejudiced. It appears that the petitioner belongs to one community whereas the other residents belong to some other community and that appears to be the problem.

4.When the technical authorities have decided to accede to the petitioner's prayer and it is not shown to violate anybody's right, carrying out the said work cannot be deferred by citing law and order problem. If the residents of the street were aggrieved, they could have come to this Court for forbearing the TANGEDCO authorities from shifting the pole as demanded by the petitioner herein. They have not chosen to come to this Court. It is only the petitioner, who moved this Court for relief. Therefore, I direct the respondents 1 to 4 to shift the electric pole and line as prayed by the petitioner herein immediately and without any delay. The fifth respondent shall give fullest protection for carrying out the said works. The petitioner of course has to bear the costs for providing such police protection.

5.The writ petition is allowed on these terms. No costs.

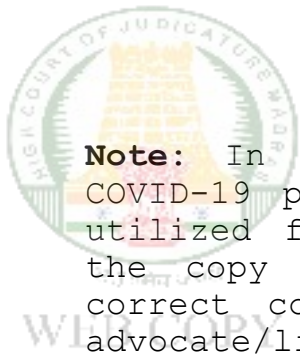
Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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:-

- 1.The Superintending Engineer (Rural),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Race Course Road, K.Pudur, Madurai.
- 2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Samayanallur, Madurai District.
- 3.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Samayanallur, Madurai District.
- 4.The Assistant Engineer (Rural),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Samayanallur, Madurai District.
- 5.The Inspector of Police,
Law and Order,
Samayanallur Police Station,
Samayanallur,
Madurai District.

+1 CC to GP (SR-1088[F] dated 19/01/2021)

+1 CC to Mr.S.M. MOHAN GANDHI, Advocate (SR-1035[F]
dated 19/01/2021)

W.P. (MD)No.10424 of 2020

18.01.2021

(CO)
kv(08.02.2021) 3P 8C