



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.6948 of 2018

R.Vasantha

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Sivagangai District,
Sivagangai.

3.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Manamadurai,
Sivagangai District.

4.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
Rajakambeeram,
Manamadurai Taluk,
Sivagangai District.

5.The Tahsildar,
Manamadurai Taluk.

... Respondents

(R-5 is *suo motu* impleaded vide Court order dated 17.03.2020 in W.P(MD).No.6948 of 2018.)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to remove the HT Line Transformer, electric cable wire, electric pole which is crossing over the petitioner's property and shift the same in alternative routes without hindering her property in Survey No.141/4, Middle Portion in K.Pudukulam Village, Manamadurai Taluk, Sivagangai District.

For Petitioner	:	Mr.K.Guhan
For R-1 and R-5	:	Mr.D.Gandhiraj, Counsel for State.
For R-2 to R-4	:	Mrs.M.Rajeswari For M/s.S.M.S.Johnny Basha



ORDER

The Writ Petition has been filed in the nature of Mandamus directing the respondents particularly respondents 2, 3 and 4 to remove the HT Line Transformer, electric pole and cable wire and shift the same in alternate route without causing hinder to the property in Survey No.141/4, K.Pudukulam Village, Manamadurai Taluk, Sivagangai District.

2.Mr.D.Gandhiraj, learned Government Counsel, takes notice for respondents 1 and 5. Mrs.M.Rajeshwari, learned counsel, takes notice for respondents 2, 3 and 4.

3.Heard learned counsel for the petitioner and learned counsel for the respondents, Mr.D.Gandhiraj and Mrs.M.Rajeshwari.

4.The petitioner claims that the said property belongs to the petitioner's deceased husband which is the ancestral property of the late husband of the petitioner who died on 06.03.2007. The revenue authorities has also issued patta in favour of the petitioner. The petitioner also claims that they are paying kist regularly. The land has been classified as Nanja lands and the petitioner is cultivating paddy. They are also insured before the revenue authorities. It is stated that an HT transformer and electric lines are already available between Kattanur and K.Pudukulam Village. Now, it is alleged that respondents 2, 3 and 4 has erected electric lines from the said lane and they have been shifted over the property of the petitioner herein which had given rise to the petitioner to file the present Writ Petition.

5.The petitioner is given the liberty to give an alternate route which the petitioner may suggest and such representation may be given to the first respondent / the District Collector of Sivagangai District who is the authorised officer to examine such an alternate route. The said representation by the petitioner giving a rough sketch or a plan of the alternate route and the difficulty suffered by the petitioner owing to the HT wires which had been drawn over the lands may be given on or before 03.12.2021 to the first respondent. On receipt of such representation, the first respondent may issue notice to the petitioner / representative of the petitioner to appear for a personal hearing and examine the grievances of the petitioner and examine the alternate routes, get opinion from the respondents 2, 3 and 4 regarding alternate route and thereafter, pass considered order. Such order may be passed on or before 31.12.2021.



6.With the said observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS II)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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 District Collector,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Manamadurai Taluk.
- 3.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO), Sivagangai District,
Sivagangai.
- 4.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO), Manamadurai,
Sivagangai District.
- 5.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO), Rajakambeeram,
Manamadurai Taluk, Sivagangai District.

+1 CC to M/s.SPL.GP (SR-34115[F] dated 11/11/2021)

+1 CC to M/s.K.GUHAN, Advocate (SR-34010[F] dated 10/11/2021)

W.P (MD) No. 6948 of 2018

10.11.2021

PS (CO)

RS/PM (18.11.2021) 3P 8C

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