



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.20811 of 2021

Kumarasingam

... Petitioner

vs.

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

2.The Assistant Executive Engineer,
[Operation and Maintenance],
TANGEDCO, Peravurani,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent not to lay the Electricity Line across the petitioner's patta land situated in S.Nos.95/5 and 95/6 to an extent of 2 ½ acres of Coconut grove at Soranakadu Village, Peravurani Taluk, Thanjavur District and to direct the respondents to make use of alternative pathway for laying the electricity line on the basis of the petitioner's representation, dated 13.10.2021.

For Petitioner : Mr.M.Viji

For Respondents : Ms.M.Rajeshwari

for Mr.S.M.S.Johnny Basha

O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking a direction against the second respondent/The Assistant Executive Engineer, [Operation and Maintenance], TANGEDCO, Peravurani, Thanjavur District, not to lay electricity line across the patta land of the petitioner at S.Nos.95/5 and 95/6 to an extent of 2 ½ acres situated at Soranakadu Village, Peravurani Taluk, Thanjavur District. The land contains coconut trees.

2.The petitioner has electricity service connection to the aforesaid lands. Now, the respondents are under obligation to extend that particular line to provide electricity service connection to the neighbouring owners/adjacent land owners, who also requires electricity service. The only way that is possible is by increasing the height of the poles, which are already existing in the lands of the petitioner by another four feet and then drawing a line to go to the adjacent lands/neighbouring lands.



3.The learned Counsel for the petitioner raised an apprehension that if a line is drawn over the electric pole, then it will be touching the leaves of the coconut trees, which according to him are tall trees. If anybody climbs those trees even for maintenance of the trees or for plucking the coconuts or even for cutting the branches, then there could be a possibility of cutting the live wire and suffering an accident.

4.But, the learned Counsel for the respondents is very emphatic in her submission that the height would be increased by nearly four feet and also placed an undertaking that the respondents would continuously monitor, maintain and ensure that the lines are kept without hindering or causing danger to anybody, who climb the coconut trees and would be at a height more than the coconut trees. This is the maximum which can be done by the respondents, since they are under an obligation to provide electricity service connection to everybody else adjoining the lands who also seek electricity service connection. The respondents also have a duty to ensure that by drawing the line they will not cause danger to any person, who uses the lands underlying the area. That assurance has been given.

5.I am confident that the first and second respondents would keep in mind the necessity to ensure sufficient protection is granted to everybody, who uses the lands of the petitioner and also who has occasion to climb the coconut trees.

6.Observing as above, though the Writ Petition is dismissed, a caveat is placed on the respondents to ensure that the lines are drawn in proper and effective manner and the petitioner may also satisfy himself that they had done so. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

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

2.The Assistant Executive Engineer,
[Operation and Maintenance],
TANGEDCO, Peravurani,
Thanjavur District.



W.P.(MD)No.20811 of 2021

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-39783[F] dated 21/12/2021)

Order made in
W.P. (MD) No.20811 of 2021
20.12.2021

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