



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.3138 of 2022

S.Elumalai

...Petitioner

Vs

1. The Secretary to Government of Tamil Nadu,
Energy Department, Fort St. George,
Chennai - 600 009.
2. The Tamil Nadu Generation and
Districtuion Corporation Limited (TANGEDCO)
represented by its Chairman,
6th Floor, TANTRANSCO Building,
144 anna Salai, Chennai - 600 002.
3. The Superintending Engineer,
TNEB (TANGEDCO)
Anna Maaligai, Olimuthamudupet,
Kancheepuram.
4. The Assistant Engineer,
Tamil Nadu Electricity Board,
(TANGEDCO) Vaiyavoor Office,
Kancheepuram.
5. Mrs.S.Suryalakshmi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing respondents 2 to 4 to consider petitioner's representation dated 21.09.2021 followed by reminders dated 25.11.2021, 03.12.2021 and 10.12.2021 for shifting the electric pole with stay wire and the high tension wires abutting the Plot No.44, Muthamizh Nagar, in Survey No.120/4, Konerikuppam Village, Kancheepuram Taluk, Kancheepuram District, measuring about 1305 square feet of vacant house site, running East to West 30 feet and North to South on the western side 43 feet and on th eastern side 44 feet.



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For Petitioner : Mr.T.M.Pappiah
For Respondents : Ms.Keerthana Shenoi
For Mr.L.Jai Venkatesh
Standing Counsel - R2 to R4

O R D E R

Ms.Keerthana Shenoi, learned counsel on behalf of Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for R2 to R4 and is armed with instructions to proceed with the matter finally.

2. Having heard learned counsel for the petitioner and learned counsel for R2 to R4 and also in view of the order that is proposed to be passed in this Writ Petition, no notice to R1 is thought necessary at this stage. Hence, by consent of both sides, this Writ Petition is taken up for final disposal even at the stage of admission.

3. The petitioner seeks a mandamus directing R2 to R4, being the officials of Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) to consider his representation dated 21.09.2021, followed by several reminders seeking shifting of electric pole with stay line and high tension wire abutting plot No.44, Muthamizh Nagar in S.No.120/4, Konerikuppam Village, Kancheepuram Taluk and Kancheepuram District ad measuring 1305 sqf.t and comprising a vacant house site.

4. At the outset learned counsel for TANGEDCO would agree that representation dated 21.09.2021 has indeed been received by them and she would consent to the officer disposing the same within a period of four (4) weeks from today.

5. While disposing the representation, reference may be made to the concluding portion of paragraph 3 of the affidavit filed in support of the Writ Petition where the petitioner alleges that in fact the present location of the wire adjacent to his plot is a deviation of the original plan and it is only on the undue influence exerted by R5 when such deviation has been occasioned at all.

6. Learned counsel for TANGEDCO on instructions in this regard has enclosed a sketch which shows the route to be taken by the line in question. However, the officials disposing the



representation will compare the sketch now furnished with any previous sketches, if available to address the specific allegation made by the petitioner as noticed aforesaid.

7. She has also enclosed copy of communication dated 22.10.2021 wherein the petitioner was asked to make deposit of contributory works, on receipt of which the request of the petitioner will be considered.

8. Learned counsel for the petitioner would submit that this communication has not been received by the petitioner at all and, in any event he would object to the petitioner being asked to make such deposit. Let this aspect of the matter also be considered by the respondent while disposing the application of the petitioner.

9. In all, a direction is issued to R4 the Assistant Engineer, TANGEDCO to hear the petitioner and R5 and pass a speaking order upon the representation of the petitioner dated 21.09.2021, making specific reference to the factual issues as noticed aforesaid, within a period of six (6) weeks from today.

10. This Writ Petition is disposed in the aforesaid terms. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Secretary to Government of Tamil Nadu,
Energy Department, Fort St. George,
Chennai -600 009.
2. The Chairman,
Tamil Nadu Generation and
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WEB COPY

3. The Superintending Engineer,
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4. The Assistant Engineer,
Tamil Nadu Electricity Board,
(TANGEDCO) Vaiyavoor Office,
Kancheepuram.

+2cc to M/s.T.M.Pappiah, Advocate Sr.10924
+1cc to M/s.L.Jaivenkatesh, Advocate Sr.11050
+1cc to the Government Pleader Sr.11958

W.P. No.3138 of 2022

pmk[col]
srg 29/03/2022