



WEB COPY



W.P.No. 1912 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.1912 of 2015

K. Veeraraghavan

... Petitioner

Vs.

1. The Assistant Engineer (Distribution),
Tamil Nadu Electricity Board,
Thirukkalukundram,
Chengalpet Taluk,
Kancheepuram District.
2. The Divisional Engineer,
Tamil Nadu Electricity Board,
Maraimalai Nagar, Chengalpet Taluk
Kancheepuram District.
3. The Superintendent Engineer,
Tamil Nadu Electricity Board,
No.130, GST Road,
Chengalpattu (Opp. bus stand)

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, or any other direction directing the respondents to remove the electricity wiring crisscrossing across the agricultural lands of the petitioner in S.No.272, 273, 275, 290, 292, 293 and 294 at Thirukalukundram Village, Kanchipuram District and direct its removal forthwith.



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For Petitioner : Mr.T. Dinesh
for M/s. R. Anandha Babu & A. Lakshmi

For Respondents : Mr.L. Jaivenkatesh
Standing Counsel.

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to remove the electricity wiring that runs across the agricultural lands belonging to the petitioner.

2. Heard Mr.T. Dinesh, learned counsel appearing on behalf of the petitioner and Mr.L. Jaivenkatesh, learned Standing Counsel appearing on behalf of the respondents.

3. The grievance of the petitioner is that he is not in a position to utilise his agricultural lands effectively since electricity wiring runs across these lands and it is adversely affecting the livelihood of the petitioner. The petitioner made a representation in this regard and the same was not considered. Left with no other option, the present Writ Petition was filed before this Court.



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4. The 1st respondent has filed a counter affidavit. A stand has been taken by the 1st respondent to the effect that the electrical wiring had taken place long back even before the petitioner purchased the properties and hence the petitioner cannot seek for removing the electricity wiring to an alternative place. The learned Standing counsel appearing on behalf of the respondents submitted that the request made by the petitioner can be considered if the petitioner is willing to bear the expenses for shifting the electricity poles to an alternative place.

5. In the considered view of this Court, a positive direction cannot be given in this Writ Petition and it would be better if the petitioner makes a fresh representation to the 3rd respondent and the 3rd respondent can call the petitioner for an enquiry and a workable solution can be arrived at without affecting the rights of the petitioner and at the same time, without causing any hindrance to the Electricity Department.



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6. In view of the above, this Writ Petition is disposed of with a direction to the petitioner to submit a fresh representation before the 3rd respondent along with all the relevant documents. The 3rd respondent, on receipt of the same, shall conduct an enquiry and shall take a decision on the representation made by the petitioner within a period of 12 weeks from the date of receipt of the representation from the petitioner. No costs.

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Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

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N. ANAND VENKATESH, J.

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