



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.23762 of 2015
and
M.P.Nos.1 and 2 of 2015

Seethapathi

... Petitioner

Vs.

1. The Junior Engineer,
T.N.E.B, Takkolam,
Arakkonam Taluk,
Vellore District.
2. The Assistant Divisional Engineer,
T.N.E.B, A.D.E. Office,
Operation and Maintenance,
Takkolam Town,
Arakkonam Taluk,
Vellore District.
3. The Divisional Engineer,
T.N.E.B Divisional Office,
Operation and Maintenance,
Arakkonam Town & Taluk,
Vellore District.
4. The Superintending Engineer,
Tamil Nadu Electricity Board,
Gandhi Nagar, Vellore.
5. The Executive Officer,
Takkolam Town Panchayat,
Takkolam, Vellore District.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 4 herein to remove the electric line and electric poles across the house owned by the petitioner herein.



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For Petitioner : M/s.Nasarullah
for M/s.M.Mohamed Hasain
For Respondent
Nos.1 to 5 : M/s.L.Jai Venkatesh
Standing Counsel

O R D E R

The petitioner has filed the present Writ Petition for removing electric line and electric poles running across the house owned by him.

2. When the matter is taken up for final hearing, the materials would go to show that the petitioner has extended his construction projecting it towards the electric lines. The electric lines were existing even before the construction of the house and that they were not running across the housing plot, but, were erected adjacent to the lane of house of the petitioner even before construction. Projecting the construction beyond the limit towards the electric lines is an action done by the petitioner and the respondent Electricity Board has nothing to do with the same. For the irregular act of the petitioner, the poles cannot be removed and electricity supply to the residents of that area cannot be disconnected on the request of the petitioner.

3. However, it is open to the petitioner to approach the respondents to relocate the electric pole and the electric lines without detriment to the power supply given to the neighbourhood.

4. M/s.Nasarullah, learned counsel appearing for the petitioner would submit that the petitioner will make an application and is prepared to pay and requested minimum costs may be fixed.

5. Considering the submissions made, a direction is given to the petitioner to make an application to the respondents within a period of two (2) weeks from the date of receipt of a copy of this order. On such representation being received, the respondents are directed to consider the same, subject to technical feasibility and on payment of the costs by the petitioner, to take appropriate action, if situation



warrant, within a period of four (4) weeks from the date of receipt of the application.

The Writ Petition is disposed of with the above directions. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Junior Engineer,
T.N.E.B, Takkolam,
Arakkonam Taluk,Vellore District.
2. The Assistant Divisional Engineer,
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Operation and Maintenance,
Takkolam Town, Arakkonam Taluk,
Vellore District.
3. The Divisional Engineer,
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Gandhi Nagar, Vellore.
5. The Executive Officer,
Takkolam Town Panchayat,
Takkolam, Vellore District.

+1cc to M/s.M.Mohamed Hasain, Advocate, S.R.No.20524
+1cc to M/s.L.Jai Venkatesh, Advocate, S.R.No.20446

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NSK 13/04/2022