

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.7633 of 2018

S.Mani,
S/o. Sengoda Gounder

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai-600 003.
2. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Tamil Nadu Electricity Board,
Manickampalayam,
Tiruchengode Taluk, Namakkal Dt.

3. M.S.Thangavel,
S/o. Sengoda Gounder

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to relocate the existing electricity L.T. lines, which is crossing through the petitioner's lands in S.Nos.73/5 to 73/11, 73/13 to 73/16, 82/1 and 82/5

to the eastern side of S.No.82/1 and 82/5 of Pullagoundenpatti Village, Tiruchengode Taluk, Namakkal District pursuant to the proceedings in Lr.No.AE/O&M/Ma.Pa./Lr.No...../2017 dated ..04.2017 of the 2nd respondent.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.Abul Kalam,
Standing Counsel for R1 & R2

Mr.R.Marudhachalamurthy for R3

ORDER

This Writ Petition has been filed seeking a direction directing the respondents 1 and 2 to relocate the existing electricity L.T. lines, which is running through the petitioner's land in S.Nos.73/5 to 73/11, 73/13 to 73/16, 82/1 and 82/5 to the eastern side of S.No.82/1 and 82/5 of Pullagoundenpatti Village, Tiruchengode Taluk, Namakkal District.

2. The grievance of the petitioner is that, the electricity L.T. service line is running through the property of the petitioner in Survey Nos.73/2 and 72/9 and 82/1 and 5. Now, the petitioner has planted casuarinas trees and they were grown up and it is touching electric lines, thereby it is causing inconvenience to the petitioner. In the said circumstances, the petitioner has

filed his application to the respondents 1 and 2 to shift the electricity service connection to the Survey No.83, which is a poramboke land, it will not affect anybody. Since his application was not considered, the petitioner is before this court by way of filing this Writ Petition.

3. Mr.N.Manoharan, learned counsel appearing for petitioner would submit that, the electricity L.T. supply line is running in the middle of petitioner's land, which is causing serious inconvenience to them, however, if the service connection is shifted on the eastern side of land in Survey No.83 to reach 4th respondent's land, nobody is going to be affected.

4. Whereas, the learned counsel appearing for the 3rd respondent, who is owner of property in Survey Nos.82/1 and 82/5, would submit that, by shifting L.T. service line, his right will be seriously prejudiced as he is having agricultural service connection to his land. That apart, a civil suit is also pending between the parties. Pending suit, if service connection is shifted, it will cause great inconvenience to the parties.

5. Earlier, the respondents 1 and 2 Electricity Board was directed to file a report and now a report has been filed stating that, there is a way available to shift the service connection to a poramboke land and he has also filed copies of FMB sketch and 'A' register to show that the proposed line would run through Survey No.83, which is a poramboke land.

6. Today, when the matter taken up for hearing, the 3rd respondent Assistant Engineer, TANGEDCO, is present before this court and submitted that, by shifting service connection to Survey No.83, nobody will be affected.

7. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records carefully.

8. From the perusal of records including photographs filed by the petitioner, and the report submitted by respondents 1 and 2 Electricity Board, it could be seen that, by shifting electricity L.T. service lines to Survey No.83, the 3rd respondent is not going to anyway affected. Even assuming that, the civil suit is allowed in favour of 3rd respondent, ultimately, he is

going to be benefited by shifting service connection as the service line is running only through poramboke land and in Survey Nos.73/2, 72/9 and 82/1 and 5. In the said circumstances, this Court finds no difficulty in shifting service connection. Accordingly, this Writ Petition is allowed and the respondents 1 and 2 are directed to relocate L.T. line through Survey No.83. It is also made clear that, by shifting service connection, the service connection of 3rd respondent should not get affected. No costs.

28.03.2022

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To

1. The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai-600 003.
2. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Tamil Nadu Electricity Board,
Manickampalayam,
Tiruchengode Taluk, Namakkal Dt.

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V.BHARATHIDASAN, J.

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