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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.6030 of 2022
and WMP No.6121 of 2022

R.Rajamanickam

...Petitioner

Vs

- 1.Tamil Nadu Electricity Board
rep. By its Chairman
No.860, Anna Salai,
Chennai - 600 002.
- 2.The Superintending Engineer,
Operation and Maintenance
Tamil Nadu Generation & Distribution Corporation Limited
(Tamil Nadu Electricity Board)
Namakkal District.
- 3.The Executive Engineer,
Operation and Maintenance
Tamil Nadu Generation & Distribution Corporation Limited
(Tamil Nadu Electricity Board)
Kileripatti, Thiruchengode - 637 211
Namakkal District.
- 4.The Assistant Executive Engineer,
Operation and Maintenance
Tamil Nadu Generation & Distribution Corporation Limited
(Tamil Nadu Electricity Board)
Elachipalayam, Tiruchengode,
Namakkal District.
- 5.The Assistant Engineer
Operation and Maintenance
Tamil Nadu Generation & Distribution Corporation Limited
(Tamil Nadu Electricity Board)
Vaiyappamalai East, Tiruchengode Taluk,
Namakkal District.

6.A.Palanisamy

7.Ramasamy Gounder

...Respondents



PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 5th respondent pertaining to his letter dated 14.12.2021 in Ka.No.OoPo/E and Pa/Vaiki/Ka.Thani/No.227/21-22 and quash the same and consequently direct respondent 1 to 5 to provide three phase electricity service connection to the property situate in S.No.121/1, Peramalaikkadu, Arasampalayam, Tiruchengode Taluk, Namakkal on the basis of the petitioner's application dated 16.08.2021.

For Petitioner : Mr.A.Valliappan
for By Law Associates

For Respondents : Mr.Abul Kalam
Standing Counsel - R1 to R5

O R D E R

Mr.Abul Kalam, learned standing counsel accepts notice for R1 to R5 and is armed with instructions to proceed with the matter finally. In view of the order passed in the paragraphs to follow, no notice is thought necessary to R6 and R7. Hence, by consent of learned counsel for the petitioner and learned Standing Counsel for R1 to R5, this Writ Petition is disposed finally even at the stage of admission.

2. The petitioner challenges communication dated 14.12.2021 rejecting the request of the petitioner for provision of three phase electricity connection to his property at S.No.121/1, Peramalaikkadu, Arasampalayam, Tiruchengode Taluk, Namakkal District, where he resides with his family.

3. The rejection was on the ground that the petitioner has not reverted to the authorities with a suggestion for an alternate route for the three phase connection sought. The dispute arises on account of the objections raised by his neighbours, the private respondents, on the premise that the pathway/route for the connection would impinge upon their property.

4. The petitioner's argument is that the alternate route is not feasible, since it involves substantial cost. He further points out that the very route which is being objected to by the neighbours, is the same one through which the single phase electricity connection (service connection No.189006274) runs, in vogue for over 40 years.

5. As far as the latter submission is concerned, this Court would only observe that the petitioner has been lucky, as no objection has been raised by the private respondents



thus far. However, no positive direction can be issued for setting up of a three phase connection when, admittedly the poles for the said three phase connection would stand in the neighbours' property.

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6. At this juncture, learned counsel for the petitioner would rely upon certain judgments which, according to him, support the position that no-objection can be raised by neighbours in regard to infrastructure to be set up for provision of electricity connection and at best they may only seek compensation in this regard. Having stated so, he does not circulate any such case-law before me.

7. In such circumstances, let the petitioner makes a representation putting forth all his submissions under law including reliance upon case-law before the authorities, specifically R3 and such representation, if received within a period of two (2) weeks from date of receipt of a copy of this order, will be disposed by the officer after hearing the petitioner and the private respondents and considering the legal as well as factual matrix that arises therefrom, in accordance with law and all applicable Rules and Regulations, within a period of four (4) weeks from date of receipt of such representation.

8. This Writ Petition is disposed as above. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman,
Tamil Nadu Electricity Board
No.860, Anna Salai, Chennai - 600 002.
- 2.The Superintending Engineer,
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5.The Assistant Engineer
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Vaiyappamalai East, Tiruchengode Taluk,
Namakkal District.

+1cc to Mr.P.Valliappan, Advocate SR. No. 18472

W.P.No.6030 of 2022
and WMP No.6121 of 2022

GPL (CO)
PR (28/03/2022)