



W.P.No.1093 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.1093 of 2018
and W.M.P.No.1320 of 2018

P.Jayaraj

.... Petitioner

-Vs-

- 1 Tamil Nadu Generation & Distribution Corporation (TANGEDCO) Rep. by its Superintending Engineer (Supply & Maintenance) Jothi Nagar P.N.Road Tirupur- 641 603.
- 2 The Executive Engineer
Tamil Nadu Generation & Distribution Corporation (TANGEDCO) Mangalam Road
Avinashi Tirupur District
- 3 The Assistant Engineer
Tamil Nadu Generation & Distribution Corporation (TANGEDCO) (Supply & Maintenance) Pooluvapatti Sub Division
Vavipalayam Tirupur District-641 66
- 4 P.Thangamani
- 5 P.Gurusamy
- 6 P.Palanisamy
- 7 M.Appusamy

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for



W.P.No.1093 of 2018

the issuance of a Writ of Mandamus directing the respondents 1 to 3 to shift the L.T. Service Line drawn through the south west corner portion of petitioner land comprised in S.No.496/1A to the respondents 4 to 7 lands comprised in S.No.496/1B & 1C Neriperichal Village Tirupur North Taluk Tirupur District so as to draw the L.T. Service line to the lands comprised in S.No.496/1B & 1C directly from another pole to be fixed in S.No.465 Neriperichal Village Tirupur North Taluk Tirupur District opposite to the lands owned by the respondents 4 to 7 at the cost of the petitioner in terms of the communication of the 3rd respondent made in K.No.UMePo/ EPo/P.Patti/ G.Petition/ V.No.169/ 17-18 dated 18.12.2017.

For Petitioner	: Mr.G.Ethirajulu
For Respondents	: Mrs.V.Revathy
1 to 3	for Mr.M.Abul Kalam, Standing Counsel
For Respondents	
RR 4 to 7	: Mr.N.Umapathi

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondents 1 to 3 to shift the L.T. Service Line drawn through the south west corner portion of petitioner land comprised in S.No.496/1A to the respondents 4 to 7 lands comprised in S.No.496/1B & 1C Neriperichal Village Tirupur North Taluk Tirupur District so as to draw the L.T. Service line to the lands comprised in S.No.496/1B & 1C directly from another pole to be fixed in S.No.465 Neriperichal Village Tirupur North Taluk Tirupur District opposite to the lands owned by the respondents 4 to 7 at the cost of the petitioner in terms of the



W.P.No.1093 of 2018

communication of the 3rd respondent made in K.No.UMePo/ EPo/P.Patti/
G.Petition/ V.No.169/ 17-18 dated 18.12.2017.

2. In respect of the agricultural lands belongs to respondents 4 to 7, the LT service connection was given for which line was drawn through other lands, mainly belongs to the petitioner and therefore, in order to move the line without drawing the line through the petitioner's land or across the petitioner's land, the petitioner having approached the respondent TANGEDCO unsuccessfully, has come before this Court by filing the present writ petition seeking for a Writ of Mandamus with the aforesaid prayer.

3. Heard Mr.G.Ethirajulu learned counsel for the petitioner, Ms.V.Revathy for Mr.M.Abul Kalam, learned Standing Counsel for the TANGEDCO and Mr.N.Umapathi, learned counsel for the private respondents.

4. Learned Standing Counsel for TANGEDCO on instructions would submit that, the maximum stretch of the line has already been drawn and the service connection has already been given to the lands belonging to the private respondents. However, now if at all the petitioner wants to raise objection that the line drawn already across the land of the petitioner can be withdrawn and alternative route can be explored and in that case the possibility of drawing line



W.P.No.1093 of 2018

in the alternative route other than through the land belonging to the petitioner would be examined by TANGEDCO and if it is technically feasible, intimation will be given by the TANGEDCO to the petitioner to reimburse or to pay the expenses to be incurred by TANGEDCO for drawing such alternative line and the entire cost of drawing the alternative line has to be borne only by the petitioner and if he comes forward to make such payment, TANGEDCO, subject to the technical feasibility, would consider such a proposal and accordingly would act upon. Until the alternative route is drawn and service connection is given to the private respondents, the service connection already given to the private respondents through the land belongs to the petitioner would not get hindered and it will get continuous supply. Therefore, if this arrangement is worked out and if it is feasible that can be complied with by the TANGEDCO with the help of the petitioner, she contended.

5. Having regard to the said submissions of the learned Standing Counsel and after hearing the learned counsel for the petitioner as well as the private respondents, this Court is inclined to dispose of this writ petition with the following order.



W.P.No.1093 of 2018

- That there shall be a direction to the respondent TANGEDCO to verify the spot and prepare a feasibility report to draw alternative line avoiding the line already drawn across the land belonging to the petitioner and if it is possible, a feasibility report along with the estimate for drawal of alternative line can be supplied by the TANGEDCO to the petitioner and on receipt of the same, it is open to the petitioner to come forward for making payment of such expenses to be incurred by the TANGEDCO.
- In that case, if the expenses being deposited by the petitioner, the respondent TANGEDCO can make further arrangements to draw the line in the alternative route as per the feasibility report to continue the supply to the lands of the private respondents.
- The needful as indicated above shall be undertaken with the cooperation of the petitioner within a period of two months from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

26.09.2022

Index : Yes/No
Internet : Yes/No
KST

To



W.P.No.1093 of 2018

- 1 The Superintending Engineer (Supply & Maintenance)
Tamil Nadu Generation & Distribution Corporation (TANGEDCO)
Jothi Nagar P.N.Road
Tirupur- 641 603.
- 2 The Executive Engineer
Tamil Nadu Generation & Distribution
Corporation (TANGEDCO) Mangalam Road
Avinashi Tirupur District
- 3 The Assistant Engineer
Tamil Nadu Generation & Distribution
Corporation (TANGEDCO) (Supply &
Maintenance) Pooluvapatti Sub Division
Vavipalayam Tirupur District-641 66



WEB COPY



W.P.No.1093 of 2018

R. SURESH KUMAR, J.

KST

W.P.No. 1093 of 2018

26.09.2022