

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.17071 of 2022

S.Chandrasekar

Versus

... Petitioner

1. The District Collector,
Office of District Collector,
Namakkal District.
2. The Superintending Engineer,
(Operation and Maintenance),
Namakkal Electricity Distribution Circle,
TANGEDCO,
Namakkal District.
3. The Executive Engineer,
Operation and Maintenance,
Namakkal Electricity Distribution Circle,
TANGEDCO,
Namakkal District.
4. The Assistant Engineer,
Operation and Maintenance,
Belukurichi,
Namakkal District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the first and second respondents to remove the electricity pole post situated in between the plot Nos.36, 48, 59,69 in S.No.23/3, Echampatti Village, Kalkurichi Panchayat, Senthamangalam Taluk, Namakkal District by considering the representations dated 16.10.2020 and 19.07.2021.

For Petitioner : Mr.A.Thiyagarajan

For Respondents: Mr.S.J.Mohammed Sathik
Govt.Advocate
For R.1
Mr.L.Jai Venkatesh
Standing Counsel
For R.2 to R.4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to remove the electricity pole post situated in between the plot Nos.36, 48, 59,69 in S.No.23/3, Echampatti Village, Kalkurichi Panchayat, Enthamangalam Taluk, Namakkal District by considering the representations dated 16.10.2020 and 19.07.2021.

2. Heard the learned counsel for the petitioner and Mr.S.J.Mohammed Sathik, learned Government Advocate appearing for the first respondent and Mr.L.Jai Venkatesh, learned Standing Counsel appearing for the respondents 2 to 4. By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

3. According to the petitioner, earlier he had filed a writ petition in W.P No.17489 of 2020 before this Court seeking for removal of encroachment in the aforementioned property. This Court, by order dated 29.04.2021 in W.P No.17489 of 2020 directed the respondents to remove the encroachments within a period of six weeks from the date of receipt of a copy of that order. According to the petitioner, aggrieved by the same, the respondents have preferred writ appeal in W.A.No.2180 of 2021 before the Division Bench of this Court and the Division Bench of this Court by order dated 01.09.2021 dismissed the writ appeal. According to the petitioner, after dismissal of the writ appeal, the encroachments have been removed by the respondents. However, according to the petitioner, there is a pole erected by the respondents 1 and 2 still available in the petitioner's property. The petitioner seeks for removal of the said electricity pole and has given representations on 16.10.2020 and 19.07.2021. Since the representations have not been considered till date, the petitioner has filed this writ petition.

4. No prejudice would be caused to the respondents if the petitioner's representations as stated supra is considered on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing.

5. For the foregoing reasons, this Court directs the fourth respondent to pass final order on the petitioner's representations dated 16.10.2020 and 19.07.2021, seeking for removal of the electricity pole post situated in between the Plot Nos.36, 48, 59 and 69 in S.No.23/3 Echampatti Village, Kalkurichi Panchayat, Senthamangal Taluk, Namakkal District on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order after

affording a fair hearing to the petitioner including granting him the right of personal hearing

With the above direction, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

sr

To

1. The District Collector,
Office of District Collector,
Namakkal District.
2. The Superintending Engineer,
(Operation and Maintenance),
Namakkal Electricity Distribution Circle,
TANGEDCO,
Namakkal District.
3. The Executive Engineer,
Operation and Maintenance,
Namakkal Electricity Distribution Circle,
TANGEDCO,
Namakkal District.
4. The Assistant Engineer,
Operation and Maintenance,
Belukurichi,
Namakkal District.

+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No.43200
+1cc to the Government Pleader, S.R.No.44058

W.P.No.17071 of 2022

CA(CO)
SB(20/07/2022)