



W.P.No.30212 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.30212 of 2022
and W.M.P.No.29645 of 2022

R.Sampathkumar

.... Petitioner

-Vs-

1.The Executive Engineer
TANGEDCO (TNEB)
Pollachi, Coimbatore District.

2.The Assistant Executive Engineer
TANGEDCO (TNEB)
Pedappampatty (PO)
Udumalpet Taluk
Tiruppur District.

3.The Assistant Engineer
TANGEDCO (TNEB)
Kongalnagaram (PO)
Udumalpet Taluk,
Tiruppur District.

4.A.Sankar

5.Kaliammal @ Amsaveni

6.Kalpana

7.Rathinasamy

.... Respondents



W.P.No.30212 of 2022

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents 1 to 3 from granting electricity service connection to property situated in Survey No.393/A5 in Kongal Nagaram Village, Udumalpet Taluk, Tiruppur District belonging to the respondents 4 to 7, via by land in Survey No.393, Kongal Nagaram Village, Udumalet Taluk, Tiruppur District by considering my representation dated 11.10.2022.

For Petitioner : Mr.R.M.Makesh Kumaravel

For Respondents : Ms.V.Revathy
for Mr.M.Abul Kalam
Standing Counsel – for RR 1 to 3

ORDER

The prayer sought for herein is for a Writ of Mandamus forbearing the respondents 1 to 3 from granting electricity service connection to property situated in Survey No.393/A5 in Kongal Nagaram Village, Udumalpet Taluk, Tiruppur District belonging to the respondents 4 to 7, via by land in Survey No.393, Kongal Nagaram Village, Udumalet Taluk, Tiruppur District by considering my representation dated 11.10.2022.

2. The petitioner is the owner of the property at S.No.393, Kongal Nagaram Village, Udumalet Taluk, Tiruppur District. The adjacent property is S.No.393/A5 which belongs to the private respondents herein.



W.P.No.30212 of 2022

3. In order to get electricity service connection to their property at S.No.393/A5 the private respondents have made an application to the TANGEDCO. When the TANGEDCO wanted to provide electricity service connection by erecting pole through the land belongs to the petitioner ie., S.No.393, the petitioner had raised objections and at that stage the erection had been halted and thereafter no orders have been passed by the TANGEDCO either accepting or rejecting the objections raised by the petitioner. Only in that circumstances, in order to seek a restraint order restraining the respondent TANGEDCO from giving electricity service connection to the private respondents' land in S.No.393/A5 by erecting pole in the petitioner's land in S.No.393, the present writ petition has been filed.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent TANGEDCO. In view of the order that is going to be passed in this writ petition, notice to the private respondents is dispensed with.

5. Learned Standing Counsel appearing for the respondent TANGEDCO would submit that, since objection has come, the work has been halted and after hearing the petitioner as well as the private respondents, what is the best way to give electricity service connection to the lands of the private respondents would



W.P.No.30212 of 2022

be explored and accordingly the pole would be erected and the service connection would be given to the private respondents, and since electricity is one of the basic amenities, extending the service connection cannot be unreasonably questioned by any one including the petitioner, she contended.

6. I have heard the submissions made by the learned counsel on either side and have perused the materials placed on record.

7. Since the private respondents are neighbours of the petitioner and insofar as the property of the private respondents is concerned, it is at S.No.393/A5, in order to give electricity service connection, if electricity line has to be drawn by erecting pole at S.No.393 which belongs to the petitioner, if the petitioner has given an objection, the TANGEDCO can very well hear both sides and after having a spot visit, best possible solution can be arrived at by the respondent TANGEDCO and accordingly the plea raised by the petitioner as well as the private respondents can be decided.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.



W.P.No.30212 of 2022

- That there shall be a direction to the respondents 1 to 3 to give notice to both the petitioner as well as the private respondents for a spot inspection and after hearing both sides, a decision can be taken by the TANGEDCO as to how the service connection can be given to the private respondents' land without affecting much the land belongs to the petitioner at S.No.393.
- The needful as indicated above can be undertaken by the respondent TANGEDCO within a period of six weeks from the date of receipt of a copy of this order.

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

Consequently, connected miscellaneous petition is closed.

15.11.2022

Index : Yes/No
Internet : Yes/No
KST
To

- 1.The Executive Engineer, TANGEDCO (TNEB)
Pollachi, Coimbatore District.
- 2.The Assistant Executive Engineer, TANGEDCO (TNEB)
Pedappampatty (PO),, Udumalpet Taluk, Tiruppur District.
- 3.The Assistant Engineer, TANGEDCO (TNEB)
Kongalnagaram (PO), Udumalpet Taluk,
Tiruppur District.



WEB COPY



W.P.No.30212 of 2022

R. SURESH KUMAR, J.

KST

W.P.No. 30212 of 2022

15.11.2022