

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1741 2022

A.J.Sharmila

... Petitioner

Vs.

1. The Superintendent Engineer,
Tamil Nadu Generation and Energy Distribution
Corporation, (TANGEDCO),
Sivagangai District,
Sivagangai.

2. The Assistant Executive Engineer,
Tamil Nadu Generation and Energy Distribution
Corporation, (TANGEDCO),
Karaikudi,
Sivagangai District.

3. The Assistant Engineer,
Tamil Nadu Generation and Energy Distribution
Corporation, (TANGEDCO),
Kandaramanickam,
Thiruppathur Taluk,
Sivagangai District.

4. Priyadharshini

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 herein to remove the high voltage electric pole erected in the petitioner's patta land in Survey No.154/1. Plot Nos.231, 232 and 233 in Sri Durgai Nagar, Keeranipatti Group, Keeranipatti Village, (Kirambu Vayal @ Keeranivayal Village), Thalakkavur Panchayat, Kallal Union, Karaikudi Taluk, Sivagangai District.

For Petitioner	:	Mr.P.Aju Tagore
For Respondent	:	Mr.S.Deenadayalan Standing Counsel for R1 to R3 Mr.M.P.Senthil for R4

O R D E R

Heard the learned counsel on either side.

2. The grievance of the writ petitioner is that a high voltage electric pole has been erected on her patta land and HT lines have been drawn over the same. Seeking removal, the present Writ Petition has been filed.

3. The learned counsel for the fourth respondent as well as the learned Standing Counsel assert that the pole had been laid only on the common pathway and that has not come up on the petitioner's patta land.

4. Since contentious facts have been raised, I am not in a position to give the direction sought in the Writ Petition. The petitioner has given a representation dated 19.11.2021 in this regard. The second respondent will cause survey to be done by the Government Surveyor. The Surveyor will carryout the survey work, after notice to the petitioner and the fourth respondent. If at the end of the survey, it is seen that the pole had come up on the petitioner's land or the lines have been drawn over the petitioner's patta land, then, a call will have to be taken by the second respondent. The second respondent will have either compensate the writ petitioner as per law or remove the pole as well as redraw the lines. The cost of removal and redrawing will have to be obviously borne only by the fourth respondent. The action of the second respondent will depend upon the survey results. The entire exercise shall be completed within a period of six weeks from the

date of receipt of a copy of this order. I make it clear that the results of the survey can be challenged by the aggrieved party.

5. Leaving open the other rights and remedies to the writ petitioner, this Writ Petition is disposed of. No costs.

30.08.2022

Index : Yes / No
Speaking Order : Yes / No

vji

To

1. The Superintendent Engineer,
Tamil Nadu Generation and Energy Distribution
Corporation, (TANGEDCO),
Sivagangai District,
Sivagangai.
2. The Assistant Executive Engineer,
Tamil Nadu Generation and Energy Distribution
Corporation, (TANGEDCO),
Karaikudi,
Sivagangai District.
3. The Assistant Engineer,
Tamil Nadu Generation and Energy Distribution
Corporation, (TANGEDCO),
Kandaramanickam,
Thiruppathur Taluk,
Sivagangai District.

W.P.(MD)No.1741 of 2022

G.R.SWAMINATHAN, J.

vji

W.P.(MD)No.1741 2022

30.08.2022