



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3070 of 2022

Ravichandran

.. Petitioner

Vs

1.The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
Theni Division,
Theni.

2.The Executive Engineer,
Distribution Circle, TANGEDCO,
Periyakulam, Theni District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to shift the electric pole and line from the land of the petitioner in T.S.No.219, Vadakarai Village, Periyakulam Taluk, Theni District, within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.S.Deenadayalan, Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to shift the electric pole and line from the land of the petitioner in T.S.No.219, Vadakarai Village, Periyakulam Taluk, Theni District, within a time frame to be fixed by this Court.

2.The case of the petitioner is that due to the construction of a bridge, the pole was shifted to the petitioner's property. It is the case of the petitioner that even though the bridge has already been constructed, the pole has not been returned to its original place outside the petitioner's property. He has given several representations and last such representation was given on 29.11.2018. Till date his representation has not been considered on merits. It is also the case of the petitioner that without the permission of the petitioner the pole was earlier shifted from a different place to the place inside the petitioner's property.



3.Heard Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioner and Mr.S.Deenadayalan, learned Standing Counsel appearing for the respondents.

4.No prejudice will be caused to the respondents if the petitioner's representation dated 29.11.2018, seeking for shifting of the pole, which is presently found inside his property to a place outside his property, is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5.Admittedly, the pole was shifted to the petitioner's place only on account of the construction of a bridge, which admittedly has now been completed. Hence, there should not be any difficulty for the respondent to shift the pole from the petitioner's property to elsewhere. All these factors will have to be considered by the respondents while considering the petitioner's representation seeking for shifting of the pole. Since the representation given by the petitioner is of the year 2018, he is directed to give a fresh representation.

6.Accordingly, this Court directs the petitioner to give a fresh representation to the respondents, within a period of one week from the date of receipt of a copy of this order, requesting the respondents to shift the electric pole, which is presently lying in his property mentioned supra to any other place outside his property and on receipt of the said representation, the first respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. While considering the said representation, it is made clear that the first respondent shall give due consideration to the fact that only due to the construction of the bridge earlier, the electric pole was shifted and since bridge work has already been completed, whether electric pole should remain in the petitioner's property or not and if the first respondent decides to reject the petitioner's request, sufficient reasons will have to be given for retaining the electric pole within the petitioner's property.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

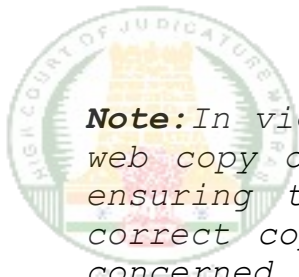
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

WEB COPY

To

1.The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
Theni Division,
Theni.

2.The Executive Engineer,
Distribution Circle, TANGEDCO,
Periyakulam, Theni District.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-7577[F] dated
21/02/2022)

W.P. (MD)No.3070 of 2022

17.02.2022

RK(03/03/2022) 3P 4C