



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3173 of 2022

WEB COPY

P.Periyasamy

... Petitioner

/Vs./

1.The Superintending Engineer,
TANGEDCO,
Mannarpuram,
Trichy District -20.

2.The Assistant Engineer (O&M),
Gramiyam, TANGEDCO,
Kalingapatty,
Manapparai,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, 1st and 2nd respondents to consider the petitioner's representation dated 04.02.2022, and forbearing the 2nd respondent men and their agents to draw electrical line in the narrow lane in S.No.727/38 situated at Arasunilaippalayam, Aniyappur Village, Manapparai Taluk, Trichy District, pending disposal of the suit in O.S.No.196 of 2017 before the District Munsif Court, Manapparai and the 2nd respondent not to disturb the peaceful possession and enjoyment of the petitioner property in S.No.727/41.

For Petitioner

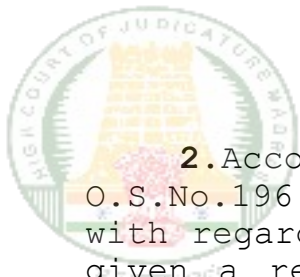
: Mr.Kevinkaran

For Respondents

: Mr.S.Deenadhayan
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to consider the petitioner's representation dated 04.02.2022, wherein he has sought to forbear the second respondent from drawing electrical line in the narrow lane in S.No.727/38 situated at Arasunilaippalayam, Aniyappur Village, Manapparai Taluk, Trichy District, pending disposal of the suit in O.S.No.196 of 2017 before the District Munsif Court, Manapparai and the second respondent not to disturb the peaceful possession and enjoyment of the petitioner property in S.No.727/41 and pass final orders within a timeframe to be fixed by this Court.



2. According to the petitioner, the suit is pending in O.S.No.196 of 2017 before the District Munsif Court, Manapparai, with regard to the subject property. In such circumstances, he has given a representation dated 04.02.2022 to the respondents, which has not been considered till date. Hence, he has filed this writ petition.

3. Heard Mr.Kevinkaran, learned Counsel for the writ petitioner and Mr.S.Deenadhayalan, learned Standing Counsel, who accepts notice on behalf of respondents.

4. The learned Standing Counsel appearing for the respondents, on instructions, would submit that the property in S.No.727/38, in respect of which, representation has been given by the petitioner, is a proper pathway and the petitioner has no right to stop the respondents from drawing electrical line. According to the learned Standing Counsel for the respondents, due to animosity with one Dhanalakshmi, a neighbouring land owner, the petitioner has given the representation to the respondents. The said statement is recorded.

5. However, no prejudice would be caused to the respondents, if the petitioner's representation dated 04.02.2022, referred to supra is considered, on merits and in accordance with law, after affording a fair hearing to the petitioner as well as any other necessary parties, including the said Dhanalakshmi.

6. Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 04.02.2022 requesting the respondents to forbear the second respondent from drawing electrical line in the narrow lane in S.No.727/38 situated at Arasunilaippalayam, Aniyappur Village, Manapparai Taluk, Trichy District, and also requesting the second respondent not to disturb the peaceful possession and enjoyment of the petitioner's property comprised in S.No.727/41 and pass final orders, on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, if any, including the said Dhanalakshmi, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to 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.

To

1.The Superintending Engineer,
TANGEDCO,
Mannarpuram,
Trichy District -20.

2.The Assistant Engineer (O&M),
Gramiyam, TANGEDCO,
Kalingapatty,
Manapparai,
Trichy District.

+1 CC to M/s.K.KEVINKARAN, Advocate (SR-7044[F] dated 18/02/2022)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-7581[F]dated 21/02/2022)

W.P. [MD]No.3173 of 2022

18.02.2022

MGJ(15.03.2022) 3P 5C