



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3668 of 2022

WEB COPY

S.Saravana Pandian

.. Petitioner

Vs

1.The Superintending Engineer,
Tirunelveli Distribution Circle,
Tamil Nadu Electricity Board,
Maharajnagar,
Tirunelveli.

2.The Executive Engineer,
Tamil Nadu Electricity Board (Distribution),
Kadayanallur,
Tenkasi District.

3.The Junior Engineer,
Tamil Nadu Electricity Board (Distribution),
Nainagaram,
Tenkasi District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pass orders on the representation of the petitioner, dated 18.10.2021 and to remove the electric pole erected by the 3rd respondent in the petitioner patta land and to change the northern side of the petitioner land.

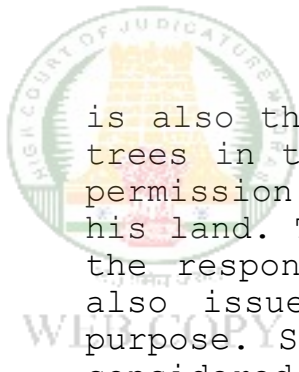
For Petitioner : Mr.K.Vadivelu

For Respondents : Mr.S.Deenadayalan for R1 to R3
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to pass orders on the representation of the petitioner, dated 18.01.2021 and to remove the electric pole erected by the third respondent in the petitioner's patta land.

2.It is the case of the petitioner that he is the owner of the lands comprised in S.No.124/5A, 124/5B and 124/12, measuring an extent of 2 acres and 28 cents having purchased the same under a sale deed dated 28.01.2019, registered as document No.225/2019. It



is also the case of the petitioner that he has planted 100 coconut trees in the said land. But however, according to him, without his permission the electric pole has been erected by the respondents in his land. Therefore, he has given a representation on 18.10.2021, to the respondents seeking for the removal of the said pole. He has also issued a lawyer's notice on 19.10.2021, for the very same purpose. Since the representations of the petitioner have not been considered till date and the pole continued to be remained there, he has filed this writ petition.

3. Heard Mr.K.Vadivelu, learned counsel appearing for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel, who accepts notice on behalf of the respondents.

4. No prejudice will be caused to the respondents, if the petitioner's representation dated 18.10.2021 and the Lawyer Notice dated 19.10.2021 are considered on merits and in accordance with law, after affording a fair hearing to the petitioner.

5. The petitioner seeks to remove the electric pole from his agricultural land. He claims that he has already planted 100 trees in the said lands and the pole erected in his land is detrimental to his interest.

6. Accordingly, this Court directs the third respondent to consider the petitioner's representation, dated 18.10.2021, followed by his Lawyer's notice dated 19.10.2021, calling upon the respondents to remove the electric pole from his property comprised in S.No.124/5A, 124/5B and 124/12, measuring an extent of 2 acres and 28 cents and pass final orders on merits and in accordance with law, within a period of twelve 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.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

- 1.The Superintending Engineer,
Tirunelveli Distribution Circle,
Tamil Nadu Electricity Board,
Maharajnagar,
Tirunelveli.
- 2.The Executive Engineer,
Tamil Nadu Electricity Board (Distribution),
Kadayanallur,
Tenkasi District.
- 3.The Junior Engineer,
Tamil Nadu Electricity Board (Distribution),
Nainagaram,
Tenkasi District.

+1 CC to M/s.K.VADIVELU, Advocate (SR-9165[F] dated 01/03/2022)

W.P. (MD)No.3668 of 2022
28.02.2022

RK(16/03/2022) 3P 5C