



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4662 of 2022

and

W.M.P. [MD]No.3891 of 2022

WEB COPY

K.Ravindran

... Petitioner

/Vs./

1.The Executive Engineer,
TANGEDCO,
Arasaradi,
Madurai District.

2.The Assistant Electricity Engineer,
TANGEDCO,
Palanganatham,
Madurai District.

3.K.Mahendran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the Respondents 1 to 3 from Shifting the Electric Post and line from Survey Numbers S.No.163/2 in Madakulam Village, Tiruparamkundram Taluk, Madurai District, without considering the objections submitted by the petitioner dated 01.12.2021 within the time frame stipulated by this Court.

For Petitioner	: Mr.Mahaboob Fazil for Mr.T.Lajapathi Roy
For R1 & R2	: Mr.S.Deenadhayan Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to forbear the Respondents 1 to 3 from Shifting the Electric Post and line from S.No.163/2 in Madakulam Village, Tiruparamkundram Taluk, Madurai District, without considering the objections submitted by the petitioner dated 01.12.2021 within a time frame stipulated by this Court.

2.It is the case of the petitioner that by order dated 13.08.2021 passed in a writ petition filed by the third respondent in WP(MD)No.14260 of 2021, this Court had directed the third respondent to submit a fresh application enclosing documents indicated in the communication dated 13.07.2021 with regard to the shifting of electric post and line from S.No.163/2 at Vivekanandar



Street, Pasumpon Nagar, Palanganatham, Ward No.76, Madurai. By the very same order, the third respondent was directed to fence around his property so as to clearly demarcate the boundaries thereof. After erecting the fence, the application for transfer of the electric line and pole sought for by the third respondent was directed to be considered by the second respondent within a period of thirty (30) days from the date of receipt of fresh application, along with necessary documents and necessary charges / fees.

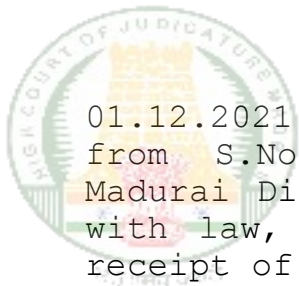
3. Till date, no orders had been passed, pursuant to the order dated 13.08.2021 passed in WP(MD)No.14260 of 2021 filed by the third respondent. Now, the petitioner in this writ petition claims that he is a neighbour to the third respondent and the third respondent is attempting to encroach the public pathway by virtue of the order dated 13.08.2021 passed in WP(MD)No.14260 of 2021, which has been passed behind the back of the petitioner.

4. It is also the case of the petitioner that he has raised objections on 01.12.2021 to the second respondent with regard to the application submitted by the third respondent seeking for transfer of the electric post and line from S.No.163/2. The only relief that the petitioner seeks from this Court is that his objection dated 01.12.2021 will also have to be considered by the second respondent before passing any final order, pursuant to the directions given by this Court earlier in WP(MD)No.14260 of 2021 dated 13.08.2021. No prejudice will be caused to the petitioner or the third respondent, if the aforesaid exercise is done.

5. It is contended by the petitioner that a suit for permanent injunction filed by the third respondent's father earlier in respect of the very same survey number came to be dismissed. Thereafter, the third respondent filed a suit for declaration seeking to declare that S.No.163/2 belongs to him and his brothers also came to be dismissed. These facts will have to be considered by the second respondent in the final orders to be passed by him, pursuant to the directions given by this Court in WP(MD)No.14260 of 2021 dated 13.08.2021. after affording a fair hearing to the petitioner as well as the petitioner in WP(MD)No.14260 of 2021, the third respondent herein.

6. It is also brought to the notice of this Court that the petitioner in this writ petition is having the benefit of an order of interim injunction against the third respondent pertaining to the very same survey number. All these facts which are observed earlier will have to be considered by the second respondent in the final orders to be passed, pursuant to the directions given by this Court in WP(MD)No.14260 of 2021 dated 13.08.2021

7. For the foregoing reasons, this Court directs the second respondent to consider objections raised by the petitioner dated



01.12.2021 with regard to shifting of the electric post and line from S.No.163/2 in Madakulam Village, Tiruparamkundram Taluk, Madurai District and pass final orders on merits and in accordance with law, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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TO

1. The Executive Engineer,
TANGEDCO,
Arasaradi,
Madurai District.

2. The Assistant Electricity Engineer,
TANGEDCO,
Palanganatham,
Madurai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-13032[F]
dated 18/03/2022)

order made in

W.P. [MD]No.4662 of 2022

Dated:

17.03.2022

CK(CO)

GC(30.03.2022) 3P 4C