



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4966 of 2022

A.Samikannu

.. Petitioner

Vs

1.The Superintending Engineer,
Tamilnadu Electricity Generation and Distribution
Corporation Limited,
Pudukottai Distribution Circle,
Pudukottai.

2.The Executive Engineer,
Operation and Maintenance,
Tamilnadu Electricity Generation and Distribution
Corporation Limited,
Keeranur,
Pudukottai District.

3.The Assistant Engineer,
Tamilnadu Electricity Generation and Distribution
Corporation Limited,
Viralimalai,
Pudukottai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner, dated 08.02.2022 and consequently, direct the respondents to erect the transformer to nearby existing pole.

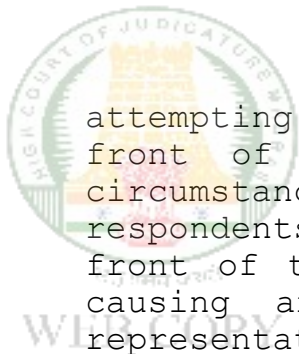
For Petitioner : Mr.S.Sankar

For Respondents : Mr.S.Deenadayalan
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to consider the petitioner's representation, dated 08.02.2022, requesting the respondents to remove the pole erected in front of the petitioner's shop and consequently, direct the respondents to erect the transformer to a nearby existing pole and pass orders, within a time frame to be fixed by this Court.

2.According to the petitioner, though there exists an electric pole already in front of the shop, the respondents are now



attempting to put up a transformer and have erected another pole in front of his shop, thereby disturbing his access. In such circumstances, he has given a representation on 08.02.2022, to the respondents calling upon them to remove the new pole erected in front of the shop and place the same in some other place without causing any disturbance to the petitioner. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

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

4. The learned counsel for the petitioner has produced photographs to show the existence of the new pole as well as the existing electric pole in front of the petitioner's shop. As seen from the photographs, one pole, which is the existing pole is on the right hand side of the shop and the new one is on the left hand side. On a *prima facie* consideration, this Court is of the view that there is a possibility that the new pole erected in front of the petitioner's shop may cause inconvenience for his free access to his shop. However, it is for the respondents to consider the same on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting him the right of personal hearing.

5. Accordingly, this Court directs the third respondent to consider the petitioner's representation, dated 08.02.2022, requesting the third respondent to remove the newly erected electric pole in front of the petitioner's shop and place it elsewhere and also pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting him the right of personal hearing, within a period of twelve weeks from the date of receipt of a copy of this order.

6. Till the final orders are passed, the status quo as on date shall be maintained by the respondents.

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

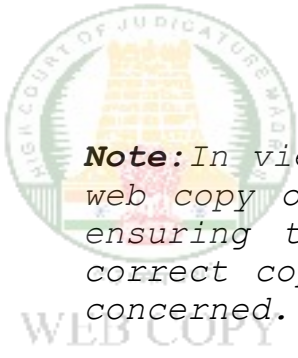
Sd/-

Assistant Registrar (AD-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,
Tamilnadu Electricity Generation and Distribution
Corporation Limited,
Pudukottai Distribution Circle,
Pudukottai.
- 2.The Executive Engineer,
Operation and Maintenance,
Tamilnadu Electricity Generation and Distribution
Corporation Limited,
Keeranur,
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- 3.The Assistant Engineer,
Tamilnadu Electricity Generation and Distribution
Corporation Limited,
Viralimalai,
Pudukottai District.

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