



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7152 of 2022

Dr.M.Sureshkumar

... Petitioner

/Vs./

1.The Assistant Executive Engineer,
Operation & Maintenance,
TANGEDCO / Town, Pattukottai,
Thanjavur District.

2.The Assistant Engineer,
Operation & Maintenance,
TANGEDCO / Town II,
Pattukottai, Thanjavur District.

3.Kavitha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 and 2 to shift the Electric Pole situated in front of the petitioner's house's entrance in Door No.76, Theradi Street, Pattukottai, Thanjavur District, on the basis of the petitioner's application No.44211201286, dated 24.11.2020 towards DCW-Works/LT.

For Petitioner

: Mr.M.Prabhakaran

For R1 and R2

: Mr.S.Deenadhayalan
Standing Counsel

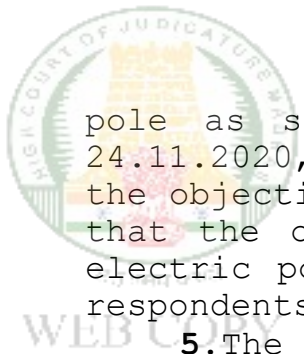
ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to shift the Electric Pole situated in front of the petitioner's house entrance in Door No.76, Theradi Street, Pattukottai, Thanjavur District, on the basis of the petitioner's application, dated 24.11.2020.

2.According to the petitioner, he is the absolute owner of the aforementioned property. It is his case that in front of his house, the first and second respondents have erected an electric pole, which is causing inconvenience to him and preventing him free access to his house. In such circumstances, he has submitted an application on 24.11.2020 with the official respondents calling upon them to remove the electric pole.

3.Heard Mr.M.Prabhakaran, learned Counsel for the writ petitioner and Mr.S.Deenadhayalan, learned Standing Counsel, who accepts notice on behalf of the respondents 1 and 2.

4.The learned Standing Counsel appearing on behalf of the respondents 1 and 2, on instructions, would submit that though the official respondents are ready and willing to shift the electric



pole as sought for by the petitioner in his application dated 24.11.2020, there is some delay in shifting the same on account of the objections raised by the third respondent. He would also submit that the official respondents are ready and willing to shift the electric pole, if the police assistance is granted to the official respondents for shifting the same. The said statement is recorded.

5.The petitioner has produced a photocopy of the said electric pole, which is placed in front of the petitioner's house. It is clear that it will affect the petitioner's free ingress and egress to his house. The official respondents are also ready and willing to shift the electric pole two steps backward, which also falls in public pathway. The learned counsel appearing for the petitioner is also agreeable for the same.

6.No prejudice would be caused to the official respondents, if a direction is issued to the second respondent to shift the electric pole two steps backward and police assistance is also granted to them. The petitioner has also made necessary payments for shifting of the electric pole by the second respondent along with his application dated 24.11.2020.

7.For the foregoing reasons, this Court directs the second respondent to seek police assistance from the concerned police station within a period of two [2] weeks from the date of receipt of a copy of this order for the purpose of shifting the electric pole found in front of the petitioner's house at Door No.76, Theradi Street, Pattukottai, Thanjavur District. On receipt of such request, the police shall also grant police assistance to the second respondent. On receipt of the police assistance, the second respondent shall shift the electric pole found in front of the petitioner's house, and place two steps backward, within a period of two weeks thereafter.

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

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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+1 CC to M/s.M. PRABHAKARAN, Advocate(SR-19506[F] dated 19/04/2022)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-19499[F] dated 19/04/2022)

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