



W.P(MD)No.11781 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.11781 of 2014

K.Chockalingam

... Petitioner

Vs.

1.The Divisional Engineer(East)
Tamilnadu Generation and Distribution
Corporation Ltd.,(TANGEDCO),
Thiruppalai, Madurai 14.

2.The Assistant Divisional Engineer,
Tamilnadu Generation and Distribution
Corporation Ltd.,(TANGEDCO).
Melur, Madurai District.

3.The Assistant Engineer,
Tamilnadu Generation and Distribution
Corporation Ltd.,(TANGEDCO),
Kottampatti, Melur Taluk,
Madurai District.

4.Bose

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to remove the electric poles erected in petitioner's patta land and consequently direct the respondents to remove the service line crossing over the petitioner's property at the cost of the respondents.



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For Petitioner :Mr.S.Satheeskumar
For Respondents :Mr.S.Deenadhayalan
Standing Counsel for R1 to R3
:No appearance for R4

ORDER

The present writ petition has been filed seeking a Writ of Mandamus, directing the respondents to remove the Electric pole erected in the petitioner's patta land.

2.According to the petitioner, Survey No.379/2015 is his patta land and it is a coconut grove. While he was away from the town, an Electric pole has been erected in his property. Immediately, he has given a representation to the respondents for the removal of the said electric line. However, the said representation is pending. Hence, the present writ petition.

3.The learned counsel for the petitioner drew the attention of the Court to Rule 3 of the Work of License Rules 2006. As per the said Rule, whenever, the Tamilnadu Generation and Distribution Corporation Limited attempted to draw any electrical pole or draw any electric line



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through the private property and the owner or occupier of the land raises objections in respect of works to be carried out under this rule, the Tamilnadu Generation and Distribution Corporation Limited has to approach the District Magistrate or the Commissioner of Police or any other officer authorised by the State Government in this behalf, for carrying out the works.

4.The learned Standing Counsel appearing on behalf of the respondents 1 to 3 submit that after getting prior permission, the electric poles were laid.

5.Hence, in view of the above said fact, the 3rd respondent is directed to consider the representation of the petitioner, in the light of Rule 3 of Work of License Rules 2006 and pass orders, after giving an opportunity to the petitioner and the 4th respondent herein. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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6.Accordingly, this writ petition stands allowed. No costs.

01.11.2022

Index :Yes / No
Internet :Yes / No
Speaking Order/Non-Speaking Order
sbm

To

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R.VIJAYAKUMAR ,J.

sbn

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