



W.P(MD).No.17340 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.17340 of 2014

and

M.P(MD) No.1 of 2014

Pon Selvi

... Petitioner

-VS-

1. The Assistant Engineer,
Tamil Nadu Electricity Board,
Electricity Distribution Town,
Vickaramasingapuram,
Ambasamuthiram Taluk,
Thirunelveli District.
2. The Public Information Officer,
Executive Engineer Incharge,
Distribution,
Tamil Nadu Electricity Board,
Kallidai Kurichi
Ambasamuthiriam Taluk,
Thirunelveli District.
3. The Appellate Authority/
Superintending Engineer,
Tirunelveli Distribution Circle,
TANGEDCO,
Tirunelveli.



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4. The Public Information Officer,
Deputy Secretary/Administration
Tamil Nadu Generation & Distribution Corporation Ltd.,
Secretariat Branch,
No.144, Anna Salai,
Chennai – 600 002.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent in his Letter No.U.Mi.Po./Vi/Nagar V.K Puram/Ko/VA.a/A No.138/14, dated 24.03.2014 communicated by the third respondent on 29.09.2014 and quash the same and direct the respondents to effect LT domestic Tariff-IA power supply to the petitioner's residence situate at 5/203A, Barathi Street, Sivanthipuram, Ambasamuthiram Taluk, forthwith.

For Petitioner : Mr.K.Vadivelu
For Respondents : Mr.S.Deenadhalayan
Standing Counsel

ORDER

The present Writ Petition has been filed challenging a communication issued by the first respondent herein, under which, the Electricity Board has directed the petitioner to deposit a sum of Rs.6,160/- (Rupees Six Thousand One Hundred and Sixty only) for shifting the Low Tension Electrical Line which is said to be so close to the residential house of the writ petitioner.



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2. The writ petitioner after putting up a construction, in the year 2014 had approached the respondent Board for effecting service connection. However, the respondent Board had pointed out that a LT electrical line is running very close to the building and without shifting the L.T electrical line, service connection cannot be effected to the writ petitioner. Accordingly, the writ petitioner has made an application for shifting the said LT electrical lines.

3. Based upon the request made by the writ petitioner, the first respondent herein had passed the impugned order, on 24.03.2014 directing the writ petitioner to deposit a sum of Rs.6,160/- (Rupees Six Thousand One Hundred and Sixty only) as estimated charges for shifting the electrical line. This order is under challenge in the present Writ Petition.

4. According to the learned Counsel for the petitioner when the petitioner property was vacant site, for providing electricity service connection to the neighboring owner, namely, Palani, the electrical lines have been drawn very close to her property at about one feet. The learned Counsel for the petitioner has further contended that there is no fault on his



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part and hence, the petitioner need not deposit any amount for shifting the electrical lines. That apart, the Electricity Board has not demanded any amount for shifting the electrical line from the said Palani. The electrical lines are also very close to the property of the said Palani and the Electricity Board is insisting only upon the writ petitioner to clear the entire amount for shifting the electrical line. Hence, he prayed for passing an order, directing the Electricity Board to effect service connection to the writ petitioner premises without demanding any amount towards shifting charges.

5. Per contra, the learned Standing Counsel appearing for the respondents had contended that the electricity service connection cannot be effected to a property, unless the vertical and horizontal distance is not maintained. He further contended that the Electricity Board has also demanded a similar amount from the said Palani for shifting the electrical line to a different alignment. Unless the petitioner paid the said amount, the electrical lines cannot be shifted. Unless the electrical lines are aligned a different manner, service cannot be effected in favour of the writ petitioner, in view of the prevailing Board regulations and hence, he prayed for dismissing the writ petition.



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6. I have carefully considered the submission made on either side.

7. Even before the writ petitioner had put up construction in her property, the electrical lines have been drawn very close to the property of the writ petitioner, in order to effect the service connection in favour of the said Palani. According to the Board, unless there is vertical and horizontal distance between the building and electrical lines, as per the Board regulations, the service connection cannot be effected in favour of the writ petitioner. Hence, it is clear that the petitioner has to comply with the Board Regulations before getting service connection from the Electricity Board. Any expenses towards shifting of the electrical lines has to be borne by the said Palani and the writ petitioner herein. If the petitioner has paid her share of the expenses towards shifting of the alignments, and the Board shall also insist upon payment of similar amount from the said Palani. In case, both of them have paid the respective charges towards the expenses for shifting the electrical lines, the same shall be shifted and thereafter, service connection may be effected to the writ petitioner.



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8. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
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