



W.P.(MD)No.22614 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.10.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22614 of 2022

AL.Annamalai

.. Petitioner

Versus

1.The Superintending Engineer,
Pudukottai Distribution Circle,
Tamil Nadu Electricity Board,
Pudukottai & District – 622 001.

2.The Executive Engineer,
Tamil Nadu Electricity Board,
Thirumayam, Pudukottai District.

3.The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Electricity Board,
Arimalam, Pudukottai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to remove the electric pole erected for street light connection in the petitioner's land at Door No.217/1, Embal Road, Arimalam – 622 201, Pudukottai District, by considering the petitioner's representation dated 13.01.2020, in the form of objection and consequently, to direct the first respondent to find out an alternative way.



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For Petitioner : Mr.R.Chittibabu
For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to remove the electric pole erected for street light connection in his land at Door No.217/1, Embal Road, Arimalam – 622 201, Pudukottai District, by considering his representation dated 13.01.2020, in the form of objection and consequently, to direct the first respondent to find out an alternative way.

2.The petitioner submits that on 16.12.2019, an electric pole was erected for street lights in his land, which caused inconvenience to him for his ingress and egress. Therefore, he raised an objection. However, the workers, who involved in the erection duty, did not consider the petitioner's objection, erected the electric pole in front of his house and also one worker named 'Alagappan' abused the petitioner in filthy language, due to which, the petitioner suffered mental agony. Therefore, on 13.01.2020, he made a representation in form of objection to the first respondent to remove the electric pole, which was erected in his land, to find out an alternative way and also initiate action against the said Alagappan, for his misconduct during the



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course of his official duty. The first respondent forwarded the said representation to the second respondent on 24.01.2020. Thereafter, the second respondent forwarded the same to the third respondent on 31.10.2020. On receipt of the said representation, the third respondent had mechanically sent a letter to the petitioner, dated 04.03.2020, stating that the electric pole was erected in the land belonging to the Highways Department as per the rules and regulations. Hence, the petitioner has come up before this Court with the present Writ Petition for the relief stated supra.

3. When the matter was taken up for hearing on 27.09.2022, this Court directed the learned Standing Counsel appearing for the respondents to get instructions.

4. Today, when the matter is taken up for hearing, the learned Standing Counsel appearing for the respondents has produced photographs and written instructions and submits that between one pole and another pole, there is a gap of 74 meters and high tension wires and low tension wires have been placed in those poles. During Gaja Cyclone, there were lots of damages. Accordingly, all the poles were erected afresh. On 16.12.2019 with the help of Staff working in various Districts, the said poles were erected in the National Highways. Further, there is no dispute between the petitioner and the said Alagappan, as alleged by the petitioner.



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5.From the Photographs produced by the learned Standing Counsel appearing for the respondents, it could be seen that the distance between the petitioner's house and the electric pole is nearly 10 feet away and an iron gate is available in front of the petitioner's house. In front of the said iron gate, there is a hut in the vicinity. According to the petitioner, the said hut does not belong to him. The electric pole has been erected about 4 to 5 feet away from the said hut and there is no disturbance to the petitioner's ingress and egress. Further, the petitioner's house is situated inside the compound wall and there is no danger posed by the said electric pole to the petitioner. The petitioner with an ulterior motive has filed the present Writ Petition, by misleading the Court stating that the electric pole is situated in his Patta land and had caused inconvenience to him. There is no truth in his statement. Due to the above said statement and the grounds taken by the petitioner in his affidavit, this Court deems it fit to impose a cost of Rs.1,000/- [Rupees One Thousand only], payable to the Head Master, Madurai East Panchayat Union Primary School, Y.Othakadai, Madurai – 625 107 [S.B. A/c.No.10111536270, State Bank of India, IFSC Code:SBIN0002246], within a period of one week from today.

6.Accordingly, this Writ Petition is dismissed on the aforesaid facts.



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Post the matter on **19.10.2022**, under the caption 'for reporting compliance'.

Index : Yes/No
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To

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V.BHAVANI SUBBAROYAN, J.

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