



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.21276 of 2021

WEB COPY

Saroja Devi

... Petitioner

Vs.

1.The Executive Engineer, (Distribution),
TANGEDCO,
Orthanad,
Maintenance and Repair,
Thanjavur District.

2.The Assistant Executive Engineer (Distribution),
TANGEDCO,
Orthanad,
Maintenance and Repair,
Thanjavur District.

3.The Assistant Electricity Engineer (Distribution),
TANGEDCO,
Uranthairayan Kudikadu,
Maintenance and Repair,
Thanjavur District.

... 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 herein to remove the new electric pole from the petitioner's property situated at Poiyundarkudikadu Village, Orthanad Taluk, Thanjavur District comprised in Survey No.156/5 based on the petitioner's representation dated 04.09.2021.

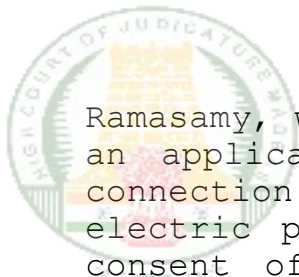
For Petitioner : Mr.S.J.Chakkaravarthy

For Respondents : Mr.S.Deenadhayalan
Standing Counsel.

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents to remove a new electric pole, which, according to the petitioner, has been affixed in the agricultural land in Survey No.156/5 at Poiyundarkudikadu Village, Orthanad Taluk, Thanjavur District. The petitioner had given a representation on 04.09.2021 in this regard.

2. In the affidavit filed in support of the Writ Petition, it had been stated by the petitioner that one Subbaian, son of
<https://hcservices.ecourts.gov.in/hcservices/>



Ramasamy, who is also a resident of the very same Village, had given an application to the second respondent seeking new electricity connection. It is stated that the respondents had erected a new electric pole in the land of the petitioner without knowledge or consent of the petitioner herein. The petitioner had given an objection letter to the respondents to remove the electric pole. A further representation was given on 04.09.2021. Since, action had not been taken by the respondents, the present Writ Petition has been filed. It is also stated that the third respondent had issued a letter stating that an alternate route might be considered after a field study. Again, it is complained that no further action had been taken.

3. Heard Mr.S.J.Chakkaravarthy, learned counsel for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel who takes notice for the respondents.

4. It is stated by the learned counsel for the petitioner that putting up of the electric pole was without the knowledge or consent of the petitioner. It is stated that no field study was done prior to putting up of the electric pole. It is further stated that the entire land is used only for agricultural purposes and though representations had been made, no steps have been taken.

5. Mr.S.Deenadhayalan, learned Standing Counsel for the respondents, on the other hand, stated that the electric pole has not been fixed on the land of the petitioner but only on the dividing pathway between the petitioner's land and the adjacent lands. It is stated that fixing of electric pole is for the benefit of everybody like the petitioner who seeks electricity connection and the wire has also been drawn, but current supply has not been given owing to the dispute between the petitioner and the aforementioned Subbaian.

6. In view of the above, a direction is given to the respondents to activate the electricity line, but, at the same time, encourage the petitioner to give a further representation to the third respondent and the third respondent may make a field visit to the land of the petitioner and provide necessary safety measures to the electric pole already put up and also ensure that the electricity line, which is drawn, would not affect the petitioner or be a cause of danger either to the property or to anybody who goes across that land. Necessary safety measures may be put up surrounding the area where the electric pole had been constructed. Let Mr.S.Deenadhayalan, learned Standing Counsel for the respondents, forward necessary instructions in this regard to the respondents.

7. If the third respondent on making field visit actually finds that the electric pole is fixed in the patta land, then an appropriate decision may be taken by the respondents.



8. With the said observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (As)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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 Executive Engineer, (Distribution),
TANGEDCO,
Orthanad,
Maintenance and Repair,Thanjavur District.
- 2.The Assistant Executive Engineer (Distribution),
TANGEDCO,
Orthanad,
Maintenance and Repair,Thanjavur District.
- 3.The Assistant Electricity Engineer (Distribution),
TANGEDCO,
Uranthairayan Kudikadu,
Maintenance and Repair,Thanjavur District.

Copy to:

Mr.S.Deenadhayalan,
Standing Counsel for TANGEDCO,
Sapthagiri Complex(2nd Floor),
2/102,Thirumohoor Road,
Rajeev Nagar 3rd Street,
Y.Othakadai,Madurai-625 107.

+1 CC to M/s.S.DEENADHAYALAN, Advocate(SR-1240[F] dated 11/01/2022)

+1 CC to M/s.S.J.CHAKKARAVARTHY, Advocate (SR-1416[F] dated

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