



WEB COPY



W.P.No.18925 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18925 of 2013

M.Narashiman .. Petitioner

VS

1. The Chairman

Tamil Nadu Electricity Board
Head Office, No.144, Anna Salai
Chennai – 600 002.

2. The Assistant Executive Engineer

Tamil Nadu Electricity Board
CEDC / Central
37, Madavakkam Tank Road
Kelley's, Chennai – 600 010.

3. Tharanikumar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the second respondent to remove the electricity cable connection from the third respondent which passes through the petitioner's property situated at Old No.44/C, New No.61 (part), Vinaitheertha Mudali Street, (Vellala 3rd street) Purasaiwalkam, Chennai – 84 comprised in Old Survey No.199, New Survey No.188/4 (part) as per Extract from the permanent land register T.S.No.188/39, Block No.6, Purasaiwalkam, Chennai District.



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For the Petitioner : Mr.G.A.Thiyagarasan

For the Respondents : Mr.L.Jaivenkatesh
Standing Counsel for
TANGEDCO
for respondent 1 & 2

No Appearance
for respondent 3

ORDER

The writ of mandamus has been filed to direct the second respondent to remove the electricity cable connection from the third respondent which passes through the petitioner's property situated at Old No.44/C, New No.61 (part), Vinaitheertha Mudali Street, (Vellala 3rd street) Purasaiwalkam, Chennai – 84 comprised in Old Survey No.199, New Survey No.188/4 (part) as per extract from the permanent land register T.S.No.188/39, Block No.6, Purasaiwalkam, Chennai District.

2. The grievance of the writ petitioner is that electricity cables are laid through his property to provide electric connection to the third respondent. In this regard, the petitioner submitted a representation to the authorities,



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who in turn has not initiated any action and therefore, the petitioner is confined to move the present writ petition.

3. The learned counsel for the petitioner mainly contended that the electric cables are laid inside the property belonging to the writ petitioner and therefore, the said cables are to be removed.

4. The learned Standing Counsel appearing on behalf of the respondents submitted written instructions of the Assistant Engineer, Kilpauk, CEDC/Central/TANGEDCO dated 15.03.2023. The Assistant Engineer, by conducting inspection confirmed that for effecting the electricity power supply at 51/1 Vellala Street 3rd lane, the cable was laid underground in Corporation public passage only and not at the private property area.

5. When the Assistant Engineer conducted an inspection and found that the electricity cables are laid underground in Corporation public



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passage, the contention of the petitioner cannot be considered by this Court.

If at all the petitioner confirms that the cables are laid inside his property, then, it is to be decided by approaching the competent Civil Court of law and the writ Court cannot decide such disputed facts, since the Assistant Engineer conducted an inspection and found that the electricity cables are laid only in the common passage belonging to the Corporation.

6. Accordingly, the petitioner has not established any acceptable ground for the purpose of considering the relief. Thus, the writ petition stands dismissed. There will be no order as to costs.

Index : Yes/No
Neutral Order: Yes/No

20.03.2023
(2/2)

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To:

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S.M.SUBRAMANIAM,J.

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