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W.P.No.15080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.15080 of 2023 and

W.M.P.No.14579 of 2023

R.Sampathkumar

.. Petitioner

vs

1. The Executive Engineer
TANGEDCO (TNEB)
Pollachi, Coimbatore District.
2. The Assistant Executive Engineer
TANGEDCO (TNEB)
Pedappampatty (PO)
Udumalpet Taluk, Tiruppur District.
3. The Assistant Engineer
TANGEDCO (TNEB)
Kongalnagaram (PO)
Udumalpet Taluk, Tiruppur District.

4. Kaliasammal @ Amsaveni

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondent nos.1 to 3 from erecting electricity poles and overhear electric cables in and through the petitioner's patta land in S.No.393 situated at Kongal Nagaram Village, Udumalpet Taluk, Tiruppur District for providing electricity connection to the private respondent No.4's land in S.No.393/A5 situated adjacent to the petitioner's land.



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For Petitioner : Ms.S.Yoga Nanthinee
For RR 1 to 3 : Mr.L.Jaivenkatesh
Standing Counsel for TNEB

ORDER

The writ petitioner has approached this Court seeking issuance of a writ of mandamus to forbear the respondents, viz., the electricity authorities, from erecting poles or overhead cables through his patta land for providing electricity supply to the fourth respondent, i.e., the private respondent, in S.No.393/A5, which is situated adjacent to the petitioner's land.

2. It is seen that the petitioner approached this Court earlier in W.P.No.30212 of 2022 and this Court, by order dated 15.11.2022, disposed of the said writ petition in the following manner:

“8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the respondents 1 to 3 to give notice to both the petitioner as well as the private respondents for a spot inspection and after hearing both sides, a decision can be taken by the TANGEDCO as to how the service connection can be*



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given to the private respondents' land without affecting much the land belongs to the petitioner at S.No.393.

- The needful as indicated above can be undertaken by the respondent TANGEDCO within a period of six weeks from the date of receipt of a copy of this order.”*

3. It appears that on 12.04.2023, the Assistant Engineer of the Electricity Department, Pedappampatty locality, has fixed a date for spot inspection. However, in the said letter, it is stated that W.P.No.30212 of 2022 has been dismissed by this Court on 15.11.2022.

4. As seen above, W.P. No.30212 of 2022 was disposed of with specific directions. Pertinent it is, to state that the order of this Court cannot be misinterpreted.

5. Therefore, it is directed that the respondents may proceed in the line of the directions given by this Court earlier in the order dated 15.11.2022 in W.P.No.30212 of 2022, after giving fair opportunity to the writ petitioner before taking any decision, in respect of providing service connection to the private respondent's land, within a period of four weeks from the date of receipt of a copy of this order.



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5. It is made clear that in the meanwhile, without passing final orders, the respondents shall not erect any cables or poles in or through the petitioner's patta land in S.No.393 situated at Kongal Nagaram Village, Udumalpet Taluk, Tiruppur District.

6. With the above direction and observation, this writ petition stands disposed of. There will be no order as to costs. Connected W.M.P. is closed.

Index : Yes/No
Neutral Citation : Yes/No

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drm/cad



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To:

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P.B.BALAJI, J.

(drm/cad)

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