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W.P.No.17549 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.17549 of 2023

V.C.Neelakandan

...Petitioner

Vs.

1. Tamil Nadu Electricity Board,
Rep. by its Chairman,
No.825, Link Road, Anna Salai,
Triplicane, Chennai – 600 002.
2. The Superintending Engineer,
TANGEDCO,
Caper Quarry,
Cuddalore Taluk & District.
3. The Executive Engineer,
Operation & Maintenance,
TANGEDCO,
Panruti Taluk, Cuddalore District.
4. The Asst. Engineer (South),
Operation & Maintenance,
TANGEDCO,
Panruti Taluk, Cuddalore District.
5. The Junior Electrical Engineer,
Operation & Maintenance,
TANGEDCO,



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- Kadampuliyur & Post,
Panruti Taluk, Cuddalore District.
6. Bhoovaraghavan,
President,
Kadampuliyur Village Panchayat,
Kadampuliyur & Post,
Panruti Taluk, Cuddalore District.
7. A.K.Rajendiran ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 3rd respondent in Ka.No.S.E/OM/Pan/Tho.Nu.2/Manu/A.No.18/2023 dated 29.04.2023 and quash the same and further direct the respondents 1 to 5 to shift the high tension post / pole erected in front of the petitioner's shop and thereby remove the high tension electrical wires drawn over and above the petitioner's property in S.Nos.543/2 & 543/11 at Kadampuliyur village , Panruti taluk, Cuddalore District.

For Petitioner : Mr.A.Muthukumar

For Respondents : Mr.V.Venkata Seshaiya, for R1 to R5

ORDER

The petitioner has come up with this Writ petition seeking quashment of the proceedings of the 3rd respondent dated 29.04.2023 bearing Ka.No.S.E/ OM/ Pan/ Tho.Nu.2/ Manu/ A.No.18/ 2023 and to consequently direct the respondents 1 to 5 to shift the high tension post / pole erected in



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front of the petitioner's shop and thereby remove the high tension electrical wires drawn over and above the petitioner's property.

2. The case of the petitioner is that, he claims to be the owner of the house and shops comprised in S.Nos.543/2 & 543/11, situated at Kadampuliyur Village, Cuddalore and the shop portions are in front of his house. While so, the 5th respondent erected a post/pole in front of the petitioner's house for the purpose of drawing high tension power lines for taking high tension power supply for a cashewnut factory. Further, the said power lines are brought over the petitioner's property, without his consent, due to which, the petitioner is not able to reconstruct his old house. Therefore, the petitioner made several oral requests and also made applications before the respondents 1 to 5, seeking to shift the high tension electric post/pole. However, despite a sum of Rs.38,060/- being paid by the petitioner, towards expenses for shifting the post/pole, as per the direction of the 5th respondent, vide proceedings dated 19.08.2021, and despite giving an undertaking that, in the event of any objection from any third party, the same will be solved by the petitioner, the officials have not shifted the post/pole which was erected very closer to the petitioner's shop, on the ground that, there was an objection for shifting the said electric post/pole.



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Thereby, the petitioner made a detailed representation dated 03.05.2023 before the respondents 1 to 5, upon receipt of which, the 3rd respondent, vide reply dated 29.04.2023 stated that, the 6th and 7th respondents herein are objecting the shifting of electric pole/post and the petitioner's request will be considered, after the objections raised are resolved. Challenging the same, the petitioner has come up with this Writ petition.

3. Learned counsel for the petitioner submitted that, though the petitioner paid the entire sum of Rs.38,060/- towards the expenses for shifting the post/pole, as directed by the 5th respondent, however, till date, the respondents have not shifted the said electric post/pole. Further, the authorities are bound to carry out their statutory obligations and mitigate the petitioner's hardship, while so, directing the petitioner to resolve the dispute himself is not sustainable, as the objections raised by the 6th and 7th respondents are not a genuine one and the same were made only to extract money from the petitioner. He further more submitted that, the said electric post/pole is not in a straight line with the other posts in the said locality and is deviated from the line and erected very closer to the petitioner's property, due to which, the petitioner is not able to develop his property and was made



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to face several hardships. Hence, he prayed for allowing this Writ petition.

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4. Learned standing counsel appearing for the official respondents submitted that, as against the shifting of the electric post/pole, initially objection was raised by the National Highways Authority and subsequently, the 6th and 7th respondents herein have also raised serious objections for shifting the said post/pole. However, he fairly submitted that, the petitioner has paid the entire expenses towards shifting the post/pole, and the said electric post/pole will be shifted within a period of one week from the date of receipt of a copy of this order. Hence, he prayed for appropriate orders.

5. Heard learned counsel on either side and perused the materials available on record.

6. A perusal of the material documents placed on record reveals that, aggrieved by the erection of electric post/pole near to his property, the petitioner made several requests and representations before the official respondents, seeking to shift the same to some other place and paid the



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entire sum of Rs.38,060/- towards the expenses for shifting the post/pole, as directed by the 5th respondent. However, till date, the officials have not shifted the said electric post/pole, on the ground that, there were some objections raised by the 6th and 7th respondents and other third parties.

7. However, in view of the fair submission made by the learned Standing Counsel appearing for the respondents 1 to 5 that, the electric post/pole will be shifted within a period of one week from the date of receipt of a copy of this order, the proceedings of the 3rd respondent dated 29.04.2023 impugned in this Writ petition is liable to be interfered with.

8. Accordingly, this Writ petition is allowed and the order of the 3rd respondent dated 29.04.2023 is set aside and further, the respondents 1 to 5 are directed to shift the said electric post/pole within a period of one week from the date of receipt of a copy of this order. There shall be no order as to costs.

19.06.2023

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NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

Note to Office: Issue order copy on 21.06.2023.

To

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Rep. by its Chairman,
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Triplicane, Chennai – 600 002.
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M.DHANDAPANI., J.

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