



Cont.P.No.1533 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Cont.P.No.1533 of 2022

Ramamurthy

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Petitioner

Vs

1. Mr.T.Rajendiran,
The Superintending Engineer,
Tamil Nadu Electricity Board,
Vellore Electricity Distribution Circle,
Vellore – 632 006.

2. Mr.Raja,
Junior Engineer,
Tamil Nadu Electricity Board,
Vellore Electricity Distribution Circle,
Vellore – 632 006.

3. K.G.Mannar Naidu

..

Respondents

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, to punish the respondents for the the deliberate disobedience of the orders of the Hon'ble Court in W.P.No.7721 of 2019 dated 10.09.2019.

For Petitioner
For R1 and R2

: No appearance
: Mr.S.Madhusudanan
Standing Counsel



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ORDER

This Contempt Petition has been filed to punish the respondents for the the deliberate disobedience of the orders of the Hon'ble Court in W.P.No.7721 of 2019 dated 10.09.2019.

2. Alleging that the order of this Court passed on 10.09.2019 was grossly violated by the respondent, the present contempt petition is filed

3. The learned counsel appearing for the contempt petitioner earlier approached this Court by filing a writ petition seeking certiorarified mandamus, calling for the records kept by the Electricity Board and to quash the same and provide electricity to the agricultural land in Survey No.508/2, Ilayanallur Village, Katpadi Taluk. The writ petition was opposed by one Ramamoorthy/4th respondent, the neighbouring land owner, on the ground that if the electrical line crosses the land, future construction of the house would get affected. This Court, taking note of the fact about the necessity of the electricity supply to the writ petitioner's land to irrigate his land, passed the following order.

“9. After hearing the submissions of the respective counsels, this Court while holding that the petitioner is entitled for service connection, if, he is



otherwise eligible even if the neighbours refuse permission unreasonably to draw the line through their lands if the route is more feasible one. Drawing cable through their lands, the respondents 3 to 5 cannot object as a matter of right without any genuine reason to object. The land as such is vacant and or under cultivation. In future, if the respondents 3 to 5 intend to put up any structure and if the proposed electrical line is going to cause any hindrance, then, the Electricity Department (respondents 1 and 2 herein) shall shift the line at the cost of the petitioner. For the said purpose, the respondents 1 and 2 shall get an undertaking from the petitioner that he will bear the cost of shifting, if necessary, in future. With this undertaking affidavit, the application of the petitioner herein shall be considered by the respondents 1 and 2 (Electricity Board) in accordance with the Electricity Act and Code.”

4. While being so, after causing statutory notice on 21.01.2020 the third respondent has filed contempt petition alleging that he proposed to put up house in his land and the electrical line crossing his land has to be shifted. However, the order passed by the Electricity Board, while providing service to the third respondent B.T.Mannar Naidu, indicates that the line is drawn along with the bridge of the land



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and not cutting cross of the petitioner's field. Furthermore the third respondent had given an undertaking that as and when the construction is put up by the land owner and the Electricity Board advise him to shift the line, he will do it at his own costs without causing any disturbance to the contempt petitioner. It is very clear that as on date, there is no construction in the field of the third respondent. If in future the contempt petitioner is going to construct a house, his right is protected by the order of this Court and the undertaking given by the third respondent that he will shift the line at his own costs. While so, this Court finds no disobedience of the the order passed by this Court. Hence, the Contempt Petition is dismissed.

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Speaking order/Non speaking order

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