



W.P.No.27061 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 14.09.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.27180 of 2023

P.Saravanan

...Petitioner

-Vs-

- 1.The Superintending Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
Subha Towers, Thiruchengode Road,
Namakkal – 637 001.
- 2.The Executive Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
Paramathi Velur Post,
Paramathi Velur Taluk,
Namakkal – 638 182.
- 3.The Assistant Executive Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution Corporation,
Limited (TANGEDCO),
Nallur,
Paramathi Velur Taluk,
Namakkal – 637 203.



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4.The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution Corporation,
Limited (TANGEDCO),
Solasiramani,
Paramathi Velur Taluk,
Namakkal – 637 210.

5.P.Murugesan

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 4 herein to provide normal free agriculture electricity connection to the petitioner's well with 7 ½ H.P. Pump-set in S.F.No.233/3E in Jamin Illampilli Village, Paramathivelur Taluk, Namakkal.

For Petitioner	: Mr.L.Mouli
For R1 to R4	: Mr.S.Kalaiselvan, Standing Counsel for TANGEDCO

ORDER

The petitioner herein is the owner of a piece of agricultural property in S.F.NO.223/3E of Jamin Illampilli Village, in Namakkal District. Now, he has been sanctioned electricity service connection for agricultural purposes by the TANGEDCO, but when TANGEDCO attempt to provide electricity to the motor of the petitioner, it is resisted by the fifth respondent, who is the northern owner of the property in S.F.No.234/1.



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2.Mr.S.Kalaiselvan, learned Standing Counsel for the TANGEDCO takes notice for the respondents 1 to 4.

3. The learned counsel for the petitioner took this Court through the rough sketch at page no.82 of the typed set of papers. It shows that the property in Sy.No.233/1E to Sy.No.233/3E (four plots) were sandwiched between the property of the fifth respondent in Sy.No.234/1 on the north, and Sy.No.232/1 in the south. It also indicates that from the transformer located at Zamin Illampilli to Thirumal Road, a LT line is drawn cutting across S.F.No.232/1 belonging to the fifth respondent and proceeds northward and passes through S.F.No.233/3E, S.F.No.233/3C, S.F.No.233/1F and then to the property of the petitioner in S.F.No.233/1E and proceeds to enter the property of the fifth respondent in Sy.No.234/1 and it goes further towards the north. In other words, there is already an electric line that runs through the above said properties.

4.So far as granting EB connection to the petitioner's property is concerned,



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the learned counsel for the TANGEDCO makes a statement that it needs to have one more electric poll erected in the property of the petitioner, from which supply line can be drawn from the post already therein. However, the 5th respondent is preventing the TANGEDCO officials from taking the electric pole through his property to the property of the petitioner, presumably due to certain personal differences between him and the petitioner.

5. Since the matter does not involve anything to be done on the property of the 5th respondent, but only involves carrying an electric pole or poles through his property, for which the TANGEDCO officials have authority under Sec.11 of the Indian Telegraph Act, this Court refrains from issuing notice to the 5th respondent.

6. This Court wonders what if some post already situated in various survey numbers referred to above have to be replaced or some other maintenance work has to be carried out? Will TANGEDCO still look to the 5th respondent for permission. The TANGEDCO has right to enter the land for providing electricity service line in terms of the Indian Telegraph Act, and it is required



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to do the job in terms of the authority provided. This Court need not advise the TANGEDCO Authorities that they are also in public servants and are amply protected under Section 353 IPC.

7. This Court now directs the TANGEDCO to provide electricity connection to the petitioner within a period of two (2) weeks from the date of receipt of a copy of this order and if necessary, with necessary Police protection. The Writ Petition is disposed of accordingly. No costs.

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Index : Yes/No
Internet : Yes/No
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To

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N.SESHASAYEE, J.,

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