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W.P. No.34366 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No.34366 of 2018

R.Thulasibai

.....Petitioner

VS.

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-2.

2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Villupuram, Villupuram District.

3. The Executive Engineer, (O & M)
Tamil Nadu Electricity Board,
Tindivanam, Villupuram District.

4. The Assistant Engineer (O & M)
Tamil Nadu Electricity Board,
Marakanam, Villupuram District.

5. The Tahsildar,
Marakanam Taluk,
Marakanam, Villupuram District.

.. Respondents

PRAYER :Writ Petition filed under Article 226 of the Constitution of India, to issue an order or direction or Writ and in particular Writ in the nature of a Writ of Mandamus directing the respondents 1 to 5 herein to



W.P. No.34366 of 2018

remove the electric transformer erected in petitioner punja land in S.No.794 in Marakkanam (South) Village, Marakanam, Villupuram District and to take appropriate action against the 5th respondent who unlawfully erected transformer in the petitioner land within a time frame that may be fixed by this Court.

For Petitioner : Mr. P.Dinesh Kumar

For Respondents : Mr.V.Venkateseshaiya, SC
for RR1 to 5
: Mr.Ilamparthi, GA for R6

ORDER

The petitioner has filed this petition seeking a direction to the respondents 1 to 5 herein to remove the electric transformer erected in petitioner punja land in S.No.794 in Marakkanam (South) Village, Marakanam, Villupuram District and to take appropriate action against the 5th respondent who unlawfully erected transformer in the petitioner land within a time frame that may be fixed by this Court.

2. The case of the petitioner is that he is the owner of the above said agricultural land and the patta itself stands in the name of the petitioner. While being so, the respondents, without obtaining any permission from the



W.P. No.34366 of 2018

petitioner, erected the transformer in the petitioner's land in the year 2018 .

For removal the said transformer, the petitioner has made a representation on 11.10.2018 to the respondents herein and the same is not considered so far and hence, the present writ petition.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents 1 to 5 to consider the petitioner's representation and to remove the transformer from the petitioner's possession within the stipulated time as fixed by this Court.

4. The learned Standing Counsel appearing for the respondents 1 to 5 submitted that at the time of erecting the transformer, the petitioner did not make any objection and subsequently, it came to know that the land is belonging to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondents and the learned Government Advocate appearing for the 6th respondent and perused the



W.P. No.34366 of 2018

materials available on record.

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6. In such view of the matter, this Court directs the respondents 1 to 5 to consider the petitioners representation dated 11.10.2018 and pass appropriate orders after providing opportunity to the petitioner, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that if the transformer has already been erected in the petitioners land, the respondents are bound to either remove the transformer or to provide adequate compensation to the petitioner within the time limit fixed by this Court.

7. With the above directions, the writ petition is disposed of. No costs.

09.03.2023

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Index : Yes / No



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W.P. No.34366 of 2018

M.DHANDAPANI, J.

Rli

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