



W.P(MD)No.428 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.428 of 2022

B.Murugesan

... Petitioner

Vs

1.The Executive Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Chekkanoorani EB Office,
Madurai.

2.The Executive Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Usilampatti EB Office.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents more particularly the first Respondent to consider the Petitioner's representation dated 13/08/2021 following its reminder, dated 27/09/2021 forthwith submitted with regard to remove the said electric post and its board erected in the Petitioner's property bearing Survey No.227/2, Plot Nos.15 and 16 measuring to an extent of 10 Cents situated at Chekkanoorani,



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K.Puliyankulam Village , Madurai without the petitioner's consent or approval
forthwith.

For Petitioner :Mr.S.Palani Velayutham
For Respondents :Mr.S.Deenadhayan
Standing Counsel

ORDER

The Writ Petition has been filed in the nature of mandamus seeking direction against the respondents, more particularly the first respondent/Executive Engineer, Tamil Nadu Electricity Board (TANGEDCO), Chekkanoorani EB Office, Madurai to consider the representations of the petitioner dated 13.08.2021 and again on 27.09.2021, to remove the electric post and board erected in his property at S.No.227/2, Plot Nos.15 and 16 measuring 10 cents at Chekkanoorani, K.Puliyankulam Village, Madurai.

2.It is the contention of the petitioner that the respondents have put up electric post and board at aforementioned land, which is the patta land of the petitioner. It is further claimed that the respondents have put up the same without his consent and permission.



3.It was informed by the learned counsel for the respondents that electric post was put up 20 years back.

4.Let met not delve deeply in the matter. It is stated in the counter affidavit that

5.I respectfully submit that the procedure to be followed for shifting of service/line:

A)The petitioner/consumer should made application under DCW (Deposit Contribution Work) before the authorities.

B)The respondent TANGEDCO shall make the estimate for shifting of service/line.

C)The copy of the estimate will be intimated to the petitioner/consumer.

D)Thereafter the petitioner/consumer have to pay the estimate cost for shifting in advance in full, then the work will be initiated by the TANGEDCO.

6.I respectfully submit that as per the Regulation 5(6) of the Tamil Nadu Electricity Supply Code the petitioner has to borne the shifting cost. After the petitioner paid the shifting cost the respondent will initiate the work.



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5.The learned counsel for the respondents stated that the respondents would take necessary action, in accordance with the above mentioned rules.

6.A direction is given to the petitioner to give a fresh application on or before 06.04.2023 and the respondents should examine the same and if the petitioner complies with all other requirements, remove the post and board, within a period of twelve weeks from the date of receipt of application.

7.With the above directions, this Writ Petition stands disposed of.

No costs.

24.03.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No

PNM



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To

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Chekkanoorani EB Office,
Madurai.
- 2.The Executive Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Usilampatti EB Office.



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C.V.KARTHIKEYAN,J.

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ORDER IN
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