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W.P.(MD)No.1472 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.1472 of 2021

Kaliammal

... Petitioner

vs.

1. The Assistant Engineer,
TANGEDCO,
Neikarappatti Branch,
Dindigul District.
2. The Inspector of Police,
Taluk Police Station,
Neikarappatti,
Dindigul.
3. A. Palanisamy



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4. A. Kannan

5. Veeramani

6. Annamalai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to remove and shift the Electric Pole situated in the petitioner's plot measuring 676 Sq.Ft in S.No.36/31, Neikarappatti, Periakalaiyamputhur, Palani Taluk, Dindigul District, as per the SANCTION No. 14.696/451/056/17-18, dated 25.09.2017, quoted in the letter, dated 03.08.2019, with the help of the second respondent within a period that may be stipulated by this Court.

For Petitioner	: Mr.N.Mohan
For R1	: Mr.S. Deenadhayalan
For R2	: Mr. Sanjay Gandhi
	Government Advocate (Criminal side)
R3	: Died
For R4 & 5	: No appearance
For R6	: Mr.V.R.Shanmuganathan



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ORDER

This writ petition is filed for writ of Mandamus, to direct the first respondent to remove and shift the Electric Pole situated in the petitioner's plot measuring 676 Square Feet in S.No.36/31, Neikarappatti, Periakalaiyamputhur, Palani Taluk, Dindigul District, as per the SANCTION No. 14.696/451/056/17-18, dated 25.09.2017, quoted in the letter, dated 03.08.2019, with the help of the second respondent within a period that may be stipulated by this Court.

2. The contention of the petitioner is that the electricity pole is erected in his patta land, could not use his land and hence submitted an application to shift the pole. The 1st respondent had processed the petitioner's application and has proposed to shift the electric pole to the road margin. The respondents 3 to 6 are objecting to shift the pole. The



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objection of the respondents is that there is no safety to shift and erect in the road margin. Hence the present writ petition to direct the respondents to shift the pole.

3. This Court had issued notice to respondents 3 to 6, the respondents 4 and 5 have received the notice and their names are printed in the cause list. But the respondents 4 and 5 did not appear either in person or through their Advocate. The learned Counsel for the 6th respondent submitted that the 6th respondent died.

4. The contention of the 1st respondent is that the pole would be shifted and would be erected only on the road margin and there is no impediment to shift to the road margin. In fact, the 1st respondent has



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already approached the 2nd respondent to grant police protection.

5. When the 1st respondent had submitted that the safety clearance is there to shift to road margin, then the other respondents have no right to object. The appropriate authority to ascertain the safety in shifting the pole is the 1st respondent, who had submitted shifting to road margin is safe and as per law, therefore, this Court is of the considered opinion that the private respondents have no right to object.

6. Therefore this Court directs the 1st respondent to shift the electric pole and the 2nd respondent shall grant police protection. The shifting of pole shall be completed within a period of four weeks from the date of receipt of a copy of this order.



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7. With the above said observation, the writ petition is allowed.

No costs.

Index : Yes / No

04.08.2023

Internet : Yes

NCC : Yes / No

Tmg

To

The Inspector of Police,
Taluk Police Station,
Neikarappatti,
Dindigul.



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S.SRIMATHY, J

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