



W.P(MD)No.4836 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4836 of 2022
and
W.M.P.(MD)No.3998 of 2022

S.Raju

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Superintending Engineer,
The Tamil Nadu Generation and Distribution Corporation Ltd.,
Kanyakumari Distribution Circle,
Nagercoil, Kanyakumari District.
- 3.The Executive Engineer,
The Tamil Nadu Generation and Distribution Corporation Ltd.,
Maruthamcode, Meenachal Post,
Kanyakumari District.
- 4.The Assistant Executive Engineer,
Distribution,
The Tamil Nadu Generation and Distribution Corporation Ltd.,
Sooriacode, Kanyakumari District..
- 5.The Tahsildhar,
Killiyoor Taluk,
Kanyakumari District.



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6.Carmal Rose @ Viji

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Order in Na.Ka.No.M.2/33850/2021 dated 01.03.2022 issued by the 1st Respondent and to quash the same and consequently directing the Respondents 1 to 4 not to draw any electricity line across the Church Property in Survey No.369/4 of Kulapuram Village, Killiyur Taluk, Kanyakumari District.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.M.Sidharthan,
Addl. Government Pleader for R1 & R5.
Mr.S.Deenadhayan,
Standing Counsel for R2 to R4.
Mr.K.N.Thampi for R6.

ORDER

Heard the learned counsel on either side.



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2.The sixth respondent herein filed W.P.(MD)No.3598 of 2019 for drawing electricity lines for granting service connection to her premises. The writ petition was allowed on 24.04.2019 with a direction that the lines shall be drawn over a route that is unobjectionable. Questioning the same, the sixth respondent filed W.A.(MD)No.1158 of 2021. The Hon'ble Division Bench vide order dated 15.06.2021 modified the order passed by this Court and allowed the writ appeal in the following terms:-

“7. In the result, the Writ Appeal is partly allowed and the order and direction issued in the writ petition is modified by directing the appellant to submit a representation to the respondents 2 and 3 to take action to remove the objection raised by the respondents 4 and 5 for drawal of electricity line and erection of poles to grant electricity supply to the appellant. If such representation is made, the respondents 2 and 3 shall make appropriate application before the District Collector, Kanyakumari District, who shall consider the objection and examine the same by applying the provisions of the Works of Licensees Rules 2006 r/w the Indian Telegraph Act 1885, before which, notice shall be issued to the appellant and the respondents 4 and 5 and pass orders on merits and in accordance with law. Based on the orders passed by the District Collector, Kanyakumari District, the respondents 2



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and 3 are directed to take appropriate action. Since the District Collector, Kanyakumari District at Nagercoil, is not a party respondent in this appeal and since direction has been issued, we suo motu impleaded the District Collector, Kanyakumari District at Nagercoil, as the sixth respondent in the writ appeal.”

Thereafter, the sixth respondent approached the District Collector who passed the impugned order. The District Collector has protected the rights of both the parties by making it clear that the order permitting TANGEDCO to draw lines will not strengthen the hands of any party in the pending proceedings. It is stated by the learned counsel on either side that the impugned order has been implemented also. I am more than satisfied that the order passed by the District Collector is in consonance with the order passed by the Hon'ble Division Bench. Hence, interference is not warranted and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

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To:-
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Nagercoil.
- 2.The Tahsildhar,
Killiyoor Taluk,
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G.R.SWAMINATHAN, J.

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