



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.6100 of 2023
and
W.M.P.(MD)No.5761 of 2023

K.Ummul Hithaya

... Petitioner

vs.

1.The Superintending Engineer,
Tamil Nadu Electricity Generation and Distribution
Corporation Circle (TANGEDCO),
Tirunelveli District.

2.The Executive Engineer,
Distribution, TANGEDCO,
K.T.C. Nagar, Maharaja Nagar (PO),
Tirunelveli.

3.The Assistant Engineer,
Distribution, TANGEDCO,
No.110, Nethaji Road,
Melapalayam, Tirunelveli, Tirunelveli District.

4.The State Highways Authority,
Palayamkottai, Tirunelveli District.

... Respondents

(R4 was *suo motu* impleaded vide order of this Court, dated 21.03.2023)



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to shift the new electricity pole and the service line erected in the lands belonging to the Writ Petitioner comprised in S.No.83/1A measuring 33.06 cents situated at Melapalayam Village, Palayamkottai Taluk, Tirunelveli District forthwith by considering the Writ Petitioner's representation, dated 07.03.2023.

For Petitioner	:Ms.S.Meena
For R1 to R3	:Mr.S.Deenadhayalan
For R4	:Mr.N.Muthu Vijayan
	Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the respondents to shift the new electricity pole and service line erected in the land of the petitioner in S.No.83/1A measuring 33.06 cents at Melapalayam Village, Palayamkottai Taluk, Tirunelveli District. The petitioner had given a representation on 07.03.2023.

2.Heard Ms.S.Meena, learned Counsel for the petitioner, Mr.S.Deenadhayalan, learned Counsel for the respondents 1 to 3 and Mr.N.Muthu Vijayan, learned Special Government Pleader for the fourth respondents.



WEB COPY

3.It is stated that the electric pole, which was outside the lands of the petitioner, was removed and erected in the lands of the petitioner. Complaining of that, the present Writ Petition has been filed.

4.A written instruction had been filed by the Assistant Divisional Engineer, Highways (C&M), Palayamkottai, wherein, it had been very specifically stated that if the land is measured by the land Surveyor or by the Revenue department and if it is found that the electric pole is on the private land, the electric pole will be removed and placed on the road boundary line by the Highways department within one month.

5.A direction is therefore given that the petitioner may give a representation to the jurisdictional Tahsildar and a direction is given to the said Tahsildar, to, within a further period of two weeks, with the assistance of the jurisdictional Surveyor, measure lands, where, the pole which is complained is erected and give a report whether it is within the private land of the petitioner or not. If it is within the private lands of the petitioner, the Assistant Divisional Engineer, Highways (C&M), Palayamkottai, is directed to remove the electric pole within a period of



WEB COPY

four further weeks from the land of the petitioner and shift it outside the land of the petitioner in the road abutting the land of the petitioner herein.

6.The petitioner may therefore give a representation in proper form for survey of the land of the petitioner, where the pole is situated, within a period of ten days and thereafter, within a period of two weeks, the survey must be completed by the jurisdictional Tahsildar and thereafter, within a period of four weeks, if the electric pole is within the land of the petitioner, it should be removed by the Assistant Divisional Engineer, Highways (C&M), Palayamkottai, The order has been passed based on the written instructions given by the Assistant Divisional Engineer, Highways (C&M), Palayamkottai, dated 11.06.2023, which is retained in the Court bundle.

7.This Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes

12.06.2023

4/6



NCC
cmr

: Yes/No

To

The State Highways Authority,
Palayamkottai, Tirunelveli District.



WEB COPY



C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.6100 of 2023

12.06.2023