



W.P.(MD)No.8047 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.8047 of 2021

Balasubramanian

... Petitioner

vs.

1.The Assistant Engineer,
Distribution/Town/West,
TANGEDCO, Kovilpatti 628 502.

2.The Proprietor,
AKS Theater, Kovilpatti, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to shift the electricity pole meant for the supply of electricity to AKS Theatre in Kovilpatti from my property in Door No.23/2, Chokkan Oorani Street and also known as AKS Theatre Road, Kovilpatti into either the property of the 2nd respondent or in the common lane in the northern side of the petitioner's property.

For Petitioner	:Mr.G.Prabhu Rajadurai
For R1	:Mr.S.Dheenadhayalan
For R2	:Mr.M.Mohaboob Athiff



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ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the first respondent to consider the representation made by the petitioner, wherein, the petitioner has sought for shifting the electricity pole from the property belonging to the petitioner to some other place.

2.Heard Mr.G.Prabhu Rajadurai, learned Counsel for the petitioner, Mr.S.Dheenadhayalan, learned Counsel appearing on behalf of the first respondent and Mr.M.Mohaboob Athiff, learned Counsel appearing on behalf of the second respondent.

3.The case of the petitioner is that he is the absolute owner of the subject property by virtue of a registered sale deed dated 31.08.2009 and the rectification deed dated 06.05.2011. According to the petitioner, electricity service connection was given to the third respondent from the electricity pole that was installed in the property belonging the petitioner. The petitioner wants this electricity pole to be removed from the property and in that regard, he submitted a representation to the first respondent.

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Since the same was not acted upon, the present Writ Petition has been filed before this Court.

4.The learned Counsel for the second respondent submitted that there is a serious dispute with regard to the ownership over the subject property and that there is already a suit pending on the file of the District Munsif Court, Kovilpatti in O.S.No.68 of 2009.

5.It is not necessary for this Court to go into contested issues. It will suffice, if a direction is issued to the first respondent to deal with the representation made by the petitioner seeking for the removal of the electricity pole from the subject property. It goes without saying that the first respondent before taking a decision, will provide an opportunity to the petitioner as well as the second respondent and take a final decision.

6.In view of the above, there shall be a direction to the petitioner to make a fresh representation along with all the relevant documents and a copy of this order to the first respondent and on receipt of the same, the first respondent shall issue notice to the petitioner and the second



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respondent and hear them and thereafter, take a decision on the request made by the petitioner. This process shall be completed by the first respondent within a period of eight weeks from the date of receipt of a copy of this order.

7.This Writ Petition is disposed of with the above directions. No costs.

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

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N.ANAND VENKATESH, J.

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