



W.P(MD)No.8417 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.8417 of 2022

V.Sekar

... Petitioner

Vs

1. The Assistant Executive Engineer, (Distribution)
Tamil Nadu Generation and Distribution
Corporation Ltd, (TANGEDCO)
Collectorate Complex,
Sivangangai.
2. The Assistant Electrical Engineer (Town),
Tamil Nadu Generation and Distribution
Corporation Ltd, (TANGEDCO)
Collectorate Complex,
Sivangangai.
3. Lakshmi

... 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 entire records pertaining to the impugned proceedings of the 2nd respondent in க.எண்.உ.மி.பொ/நகர்/சிவ/வ.ஆ/கோ-DCW/அ.எண்:320/2021, dated 27.11.2021



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and quash the same and consequently direct the 2nd respondent to shift the LT electric lines passing above the petitioner's land by considering the requisition of the petitioner in a proper perspective by identifying himself the appropriate alternative location to shift the said electric line within a period stipulated by this Court.

For Petitioner : Mr.R.Devaraj
For R1, R2 : Mr.S.Deenadayalan
Standing Counsel
For R3 : No Appearance

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records, relating to the second respondent/Assistant Electrical Engineer(Town), TANGEDCO, Sivagangai, dated 27.11.2021 in க.எண்.உ.மி.பொ/நகர்/சிவ/வ.ஆ/கோ-DCW/அ.எண்:320/2021, to set aside the same and to direct the second respondent to shift the electric line passing above the land of the petitioner, by considering the requisition given by the petitioner.

2.Notice had been directed to the third respondent. Though twice, private notice had been taken by the petitioner herein, service could not be effected. But, proof affidavit had been filed on 18.10.2018 by the petitioner



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herein. It is the assertion of the learned counsel for the petitioner that the third respondent had been served. The name of the third respondent printed in the cause list.

3.The writ petitioner had stated that he had purchased the land *admeasuring* 450 sq.ft and 350 sq.ft respectively in the years 2001, 2002 in T.S.No.165, Ward B, Block-6, by way of two registered sale deeds, dated 18.04.2001, 30.01.2022 respectively and also obtained patta on 30.04.2003. He stated that he is in possession and had taken a decision to construct a house in that land. However, when he tried to construct a house, he found that there was an electric line above the proposed construction. This line was servicing electricity connection to the third respondent. The petitioner had given a requisition to the second respondent to shift the electric line. It is stated that there was a road where the electric pole can be put up and line can be drawn.

4.The second respondent has stated that they had enquired with the third respondent and she had claimed that the road belongs to her and had produced relevant documents. In the notice, the second respondent has stated



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that within a period of seven days, the petitioner has to find out where the electricity line can be fixed or otherwise, the application would be rejected.

5.I am not able to understand as to how the second respondent can direct the petitioner to go round and find a place to put up the electric poles. It is not known, under what rule or regulation, can the second respondent fix a time limit of seven days to do that particular exercise.

6.But, the petitioner was quite resilient. He went to the office of Village Administrative Officer and examined the nature of holding so far as that particular road is concerned in the revenue records. The learned counsel for the petitioner produced the extract of Town Survey Register, wherein, it is stated that the road/Majeeth Road is actually a common road/podhu pathai (பொதுப் பாதை). It was earlier classified as sarkar poramboke.

7.It is therefore contented by the learned counsel for the petitioner that the electrical pole can very well be erected in that particular road itself. The contention of the learned counsel for the petitioner is disputed by the second respondent, since the third respondent had produced



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the title deed for that road. These are issues which can be examined only by the second respondent. Hence, the impugned notice is set aside.

8.The second respondent is directed to issue a fresh notice to the petitioner and the third respondent and is directed to call upon the third respondent to produce the title deed for that road and also examine the Town Survey Extract produced by the petitioner relating to the subject road and take a considered decision, on the basis of documents produced. If the official records reveal that the road is pothu pathai, the second respondent may proceed to erect electric line over the road, which should not cause hindrance to anyone. The said exercise shall be completed, within a period of six weeks, from the date of receipt of the copy of this order.

6.With the above directions, this writ petition stands disposed of.

No costs.

08.03.2023

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

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To

WEB COPY

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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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