



W.P.(MD).Nos.9869 of 2020 and 20488 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).Nos.9869 of 2020 and 20488 of 2021
and
W.M.P.(MD).Nos.8843 and 14059 of 2020**

W.P.(MD).No.9869 of 2020:

1.Ramesh

2.R.Baskaran

... Petitioners

Vs.

1.The Superintending Engineer,
Karur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited,
(TANGEDCO),
Kovai Road,
Karur.

2.The Assistant Executive Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution,
Corporation Limited, (TANGEDCO),
Velayuthampalayam,
Pugalur Taluk,
Karur District.



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3.The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution
Corporation Limited,
(TANGEDCO),
Noyyal, Pugalur Taluk,
Karur District.

4.S.Manivasagam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from erecting the Electricity Poles in the pathway situated in S.F.Nos.1401/9, 1400/3, 1399/6 and 1398/4 which is common one for petitioners and the land owners in S.F.No.1398, 1399, 1400, 1401 in Velliyampalayam Village, Noyyal Post, Pugalur Taluk, Karur District.

For Petitioner : Mr.M.Gnanagurunathan

For R-1 to R-3 : Mr.S.Deenadhayalan,
Standing Counsel.

For R-4 : Mr.M.P.Senthil

W.P.(MD).No.20488 of 2021:

Ramesh

... Petitioner

Vs.

1.The District Collector,
Karur District.



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2.The District Revenue Officer,
Office of the District Collector,
Karur, Karur District.

3.The Revenue Divisional Officer,
Office of the District Collector,
Karur, Karur District.

4.The Tahsildar,
Manmangalam Taluk,
Karur District.

5.S.Manivasagan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent herein to consider the representation of the petitioner dated 20.10.2020 within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.M.Gnanagurunathan

For R-1 to R-4 : Mr.R.Suresh Kumar,
Additional Government Pleader.

For R-5 : Mr.M.P.Senthil



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COMMON ORDER

The Writ Petition in W.P.(MD)No.9869 of 2020 is filed for Mandamus, forbearing the respondents from erecting the Electricity Poles in the pathway situated in S.F.Nos.1401/9, 1400/3, 1399/6 and 1398/4 which is common one for petitioners and the land owners in S.F.No.1398, 1399, 1400, 1401 in Velliampalayam Village, Noyyal Post, Pugalur Taluk, Karur District.

2. The contention of the petitioners is that there is a pathway common to all patta holders. The TANGEDCO is trying to erect poles in the edge of the pathway in order to give agricultural connection to the 4th respondent. If the said poles are erected, the twelve feet width of the road would diminish, further the overhead wires would affect the movement of the agricultural vehicles. Moreover, already there is an existing line and if electricity connection is granted through that line, there will not be hindrance in the pathway. However, the learned counsel appearing for the fourth respondent submitted that if the connection is granted through that existing line, the connection to the fourth respondent will tail end and hence there will be voltage problem. Therefore, the fourth respondent is suggesting a different pathway. But according to the



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petitioner, if the different path way is taken into account, it would be affecting his ingress and egress of the land.

3. Since it is a factual dispute, this Court cannot entertain the factual dispute under Article 226 of the Constitution of India. Therefore, the first respondent is directed to conduct an enquiry by issuing notice to the petitioners as well as to the fourth respondent. After hearing objections from them, he shall pass a speaking order. The said exercise shall be completed within a period of one (1) month from the date of receipt of a copy of this order.

4. The Writ Petition in W.P.(MD)No.20488 of 2021 is filed for Mandamus, directing the first respondent to consider the representation of the petitioner dated 20.10.2020.

5. The contention of the petitioner and the fifth respondent is that there is a dispute with regard to path way. Admittedly, both the petitioner as well as the fifth respondent filed a suit in O.S.No.118 of 2013 and 408 of 2019.



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6. Therefore, the parties and the authorities are directed to waiting for outcome of the said suits. Based on the judgment of the suits, the parties shall approach the revenue authorities for mutation of records.

7. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

25.07.2023

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



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To

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S.SRIMATHY, J.

Nsr

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