



W.P.(MD) No.11331 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.11331 of 2023
and
W.M.P.(MD) No.9868 of 2023**

Raman

... Petitioner

-VS-

- 1.The Superintending Engineer
Madurai Electricity Distribution Circle
TNEB, Race Course Road, Madurai
- 2.The Superintendent of Police
Madurai District, Madurai
- 3.The Executive Engineer
TNEB Distribution
Thirupalai
Madurai District-625 014
- 4.The Assistant Engineer
Distribution
TNEB, Othakadai
Madurai District



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5.The Inspector of Police
Y.Othakadai Police Station
Madurai District

6.Murugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the fourth respondent to erect high tension EB Pole in their street which situated in Mangammal Street, Rajagambeeram, Y.Othakadai, Madurai District and direct the respondents 1, 3 and 4 to consider the petitioner's representation dated 08.02.2023.

For Petitioner : Mr.R.M.Suresh

For Respondents : Mr.S.Deenadhayalan
Standing Counsel for R1
Mr.D.Gandhiraj
Special Government Pleader for R2 to R5

ORDER

[Order of the Court was made by M.DHANDAPANI, J.]

Mr.Deenadhayalan, learned Standing Counsel, takes notice for the first respondent and Mr.D.Gandhiraj, learned Special Government Pleader, takes notice for the respondents 2 to 5.



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2. Since this writ petition is disposed of at the admission stage itself and in view of the nature of the order proposed to be passed, notice to the sixth respondent is dispensed with.

3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

4. The prayer in this writ petition is for issuance of a writ of mandamus forbearing the fourth respondent from erecting high tension EB Pole in Mangammal Street, Rajagambeeram, Y.Othakadai, Madurai District, and to direct the respondents 1, 3 and 4 to consider the petitioner's representation dated 08.02.2023.

5. According to the petitioner, he is a resident of Mangammal Road, Rajagambeeram, Y.Othakadai, Madurai District. The third respondent is drawing a high tension electric line i.e. more than 11000 volts, at a height of 12 feet, across his village, to Urangampatti, Madurai District, for industrial purpose, by erecting a pole in his street. The sixth respondent, who is residing nearby Mangammal Street and constructing a house, has applied for shifting



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the route of the high tension wire through Mangammal Street, wherein the petitioner is residing. Aggrieved over the same, the petitioner and the villagers have given representations to the official respondents on 15.03.2023, 29.03.2023 as well as a legal notice on 18.04.2023. However, since there was no action on the part of the official respondents, the petitioner has filed this writ petition.

6. Learned Standing Counsel appearing for the respondent – Electricity Board, on instructions, submitted that since the petitioner and the villagers have made objections, the respondent - Electricity Board is ready and willing to reconsider the issue regarding drawal of high tension wire across Mangammal Street, after providing due opportunity to the sixth respondent, who had applied for shifting the route of electric line.

7. In view of the above submission of the learned Standing Counsel, the respondent – Electricity Board is directed to reconsider the issue with regard to shifting the route of high tension electric line, after providing due opportunity of hearing to the petitioner, his villagers and the sixth respondent and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Till



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such time, the respondent – Electricity Board shall not proceed further with the shifting of electric line.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[M.D.I., J.]

[R.V., J.]

04.05.2023

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

krk / abr

To:

- 1.The Superintendent of Police,
Madurai District, Madurai.
- 2.The Executive Engineer,
TNEB Distribution,
Thirupalai,
Madurai District-625 014.
- 3.The Assistant Engineer,
Distribution,
TNEB, Othakadai,
Madurai District.
- 4.The Inspector of Police,
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