



W.P.(MD) No.13414 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.13414 of 2021

and

W.M.P.(MD) Nos.10372 and 10373 of 2021

S.Ganesh Kumar

... Petitioner

/vs./

1.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation (Distribution),
Alangulam, Rajapalayam Division,
Virudhunagar District.

2.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation (Distribution),
Alangulam, Rajapalayam Division,
Virudhunagar District.

3.N.Perumalsamy (died)

4.N.Sreenivasan (died)

5.N.Padmanabhan

6.Seeniyammal



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7.Kanageswari

8.Padmavathi

*(R6 to R8 have been substituted vide
order dated 18.11.2022)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his proceedings Ka.No.O.MI.PO/OO/ALANGULAM/KO.NI.M.VA/A.No.151/2021 dated 21.04.2021 and quash the same and consequently direct the respondents to restore service connection No.296-005-105 forthwith.

For Petitioner : Mr.A.Sivaji

For R1 & R2 : M/s.M.Rajeswari for
Mr.SMS.Johnny Basha

For R3 : Mr.R.J.Karthick

For R4 & R6 to
R8 : Mr.D.P.Sundararaj

For R5 : No appearance

ORDER

The writ petitioner has approached this Court for the issue of a Writ of Certiorarified Mandamus calling for the records of the second respondent in his



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proceedings in Ka.No.O.MI.PO/OO/ALANGULAM/KO.NI.M.VA/A.No. 151/2021 dated 21.04.2021, quashing the same and directing the respondents to restore the service connection No.296-005-105 forthwith.

2.It is necessary to briefly allude to the facts of the case for morefully appreciating the grievances of the parties.

3.It is the case of the petitioner that he belongs to a poor agricultural family and his father has been arrayed as the fourth respondent in this writ petition. It is his contention that since he had not studied beyond the 4th std., he had taken to the traditional avocation of agriculture. It is his case that his father had purchased the land in S.No.832/2, measuring an extent of 1.42 acres at Keelanmarainadu Village, when the petitioner was minor. Thereafter, the petitioner has purchased the land in S.No.332/4, measuring an extent of 3.17 acres at A.Lakshmipuram Village, under a registered sale deed dated 21.04.2011. The petitioner was enjoying the lands and was raising rain fed crops. On account of the failure of the seasonal rainfall, he was unable to raise the rain fed crops and this had affected



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his income and consequently, his livelihood. The same had a cascading effect on to his family as well.

4.The petitioner would submit that he was therefore advised to plant guava saplings by the Agricultural Officer and accordingly, he had planted about 250 guava trees in an extent of 2.42 acres in S.Nos.831 and 832/2 at Keelanmarainadu Village in the month of May, 2017. The petitioner would submit that he had then irrigated the guava saplings through tractor tankers by procuring water from the Well situate in his family lands in S.No.728 at A.Lakshmipuram Village. He was thereafter advised to dig a bore-well in S.No.332/4, which is the land situate near the guava grove. The petitioner accordingly dug two bore-wells in S.Nos.332/4 and 832/2. He had drawn water from the bore-well in S.No.332/4. He had thereafter laid underground pipe lines from the bore-well situate in S.No.332/4 to the lands in S.Nos.831 and 832/2 by spending huge amounts of money.

5.On 13.05.2019, he had made an application to the second respondent for providing a 3 phase EB service connection. An inspection was undertaken by the officials of the respondents 1 and 2 and they had opined that the connection could



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be given by drawing an over head electric line above the existing electric poles.

They had thereafter directed the petitioner to remit a sum of Rs.2,50,000/- for providing the service connection under the Tatkal scheme. The said amount was also deposited.

6.The petitioner would further submit that the respondents 1 and 2 had erected the poles, drawn the electric lines and provided the service connection to the petitioner's lands on 27.05.2020. All along, the third respondent had not raised any objections. Thereafter, the third respondent had filed W.P.(MD) No.6524 of 2020 before this Court and obtained an order for disconnecting the electric service connection on the ground that the line had been drawn without his consent. The petitioner would submit that he was not heard when orders have been passed in the above writ petition. Thereafter, the impugned order has come to be passed, which is now challenged before this Court.

7.The third respondent has filed a counter denying the allegation of the petitioner that the third respondent had not raised any objections when the line was drawn. He would submit that even as early as on 11.05.2020, when the



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respondents and their men were attempting to erect the pole, the third respondent alone with his family members had objected to the same and a written representation was also given on the very same day. Despite his objections, the electric line came to be laid. In fact, the petitioner was called for an enquiry on 14.05.2020, where he had appeared and vented his grievances. However, to his shock on the very next day ie., on 15.05.2020, the respondents erected the poles and laid the high tension electric wires over his lands. Therefore, the third respondent was constrained to move this Court, wherein this Court has clearly held that the laying of the electric line without the consent of the land owner is illegal. He would submit that the impugned order has been passed only in pursuance of the earlier orders of this Court in W.P.(MD) No.6524 of 2020.

8.Heard the learned counsels appearing on either side.

9.A perusal of the documents filed by the third respondent particularly the order in W.P.(MD) No.6524 of 2020 would clearly show that the third respondent herein had challenged the erection of the electric poles and the installation of the high tension electric line crossing his property, which is also the subject matter of



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the instant writ petition. After hearing all the parties as also the learned counsel appearing for the father of the petitioner herein, this Court had passed the following order:-

“9.The petitioner's counsel states that from the very beginning, he had been strongly opposing the move of the respondents 1 and 2 to draw the overhead lines. Since the petitioner had made out a clear case that his rights have been infringed, I have no other option to allow the writ petition as prayed for. The Writ Petition stands allowed. However, it is open to the third respondent herein to resolve the matter amicably with the petitioner herein. The second respondent can call both the petitioner and the third respondent to appear before him and resolve the issue peacefully. The third respondent can even pay compensation for the injury suffered by the petitioner. If the parties amicably resolve the issues, the same can be reduced into writing and in that event, the respondents 1 and 2 need not really shift the lines already drawn. No costs. Consequently, connected miscellaneous petition is closed.”

10.It transpires that after the disposal of the writ petition, attempts were made for bringing about a settlement between the parties, which had however failed. Therefore, taking into account the earlier orders of this Court in the earlier



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WEB COPY writ petition, namely W.P.(MD) No.6524 of 2020, wherein this Court has clearly found that the drawings of the electric line through a third party's property without his consent was illegal and as the same has not been challenged by the father of the petitioner, the same has attained finality and this Court is bound by the said order. Therefore, the writ petition fails and is accordingly dismissed. However, if an application is made by the petitioner for an alternate route, the same may be considered favorably by the respondents 1 and 2. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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P.T.ASHA, J.

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