



W.P.(MD)No.13570 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.13570 of 2021

M.Chinnasamy

... Petitioner

vs.

1.The Assistant Electrical Engineer,
Office of Assistant Electrical Engineer,
N.G.O. Colony-3, TANGEDCO,
B.K.Pudur Via, Dindigul 624005.

2.The Junior Engineer,
Office of Assistant Electrical Engineer,
TANGEDCO, B.K.Pudur Via, Dindigul 624005. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to give electricity service connection to the house of petitioner by erecting pole in LMNP pathway as decreed by the civil courts confirmed in A.S.No.628 of 2004 on the file of learned Additional Subordinate Judge, Dindigul, dated 31.01.2011, as per the representation of the petitioner dated 07.07.2021 in accordance with law.

For Petitioner :Mr.V.Janakiramalu

For Respondents :Mr.S.Deenadhayalan



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ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the Electricity Board to act upon the representation made by the petitioner on 07.07.2021, wherein, the petitioner has sought for the removal of the electricity pole that has been erected in the property belonging to the petitioner, which right has already been confirmed by the competent Civil Court in the judgment and decree passed in A.S.No.628 of 2004 by the Additional Subordinate Court, Dindigul.

2.Heard Mr.V.Janakiramalu, learned Counsel appearing on behalf of the petitioner and Mr.S.Deenadhayalan, learned Counsel appearing on behalf of the respondents.

3.The main grievance that has been expressed by the learned Counsel for the petitioner is that the electricity pole has been erected by the respondents in the property belonging to the petitioner and the electricity service connection was given to others. The petitioner had filed a suit in O.S.No.635 of 1999 and the persons in whose favour the



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electricity service connection was given had also filed a suit in O.S.No.

388 of 1999 before the II Additional District Munsif Court, Dindigul.

The suit filed by the petitioner was decreed and the suit filed by the obstructors/neighbours was dismissed. This became the subject matter of challenge in A.S.No.628 of 2004 before the Additional Subordinate Court, Dindigul. This appeal was also dismissed through judgment and decree dated 31.01.2011. In view of the same, the petitioner is seeking for removal of the electricity pole that has been erected in the property belonging to the petitioner. The representation made by the petitioner did not get any response and hence, the present Writ Petition has been filed before this Court.

4.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the second respondent to consider the representation made by the petitioner on 07.07.2021 on its own merits and in accordance with law and take a final decision within a period of eight weeks from the date of receipt of a copy of this order. While undertaking this exercise, the second respondent shall take into consideration the decree passed by the



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Civil Court as well as the objections raised by the obstructor/neighbours.

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5.The Writ Petition is disposed of with the above direction. No

costs.

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

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N.ANAND VENKATESH, J.

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