



W.P(MD)No.21300 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 10.10.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.21300 of 2022

and

W.M.P.(MD)No.15444 of 2022

1.D.Periyaraj

2.S.Sankaranarayanan

3.M.John Joseph Raja Sekar

... Petitioners

Vs.

1.The Assistant Executive Engineer,  
Tamil Nadu Electricity Board,  
Sankarankovil (Rural),  
Tenkasi District.

2.The Assistant Engineer,  
Tamil Nadu Electricity Board,  
Karivalamvandanallur,  
Tenkasi District.

3.M.Ramasubbu

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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respondents 1 and 2 to shift the electricity line which is crossing the petitioners house property situated in Plot Nos.1C, 1B and 1A in R.S.No.901 of Vayali Village, Tenkasi District by erecting new Electric Pole on the southern side of Plot No.1A.

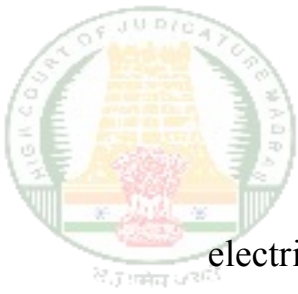
For Petitioners : Mr.S.Xavier Rajni

For Respondents : Mr.S.Deenadhayalan,  
Standing Counsel for R1 & R2.  
No appearance for R3.

### **ORDER**

Heard the learned counsel for the writ petitioners and the learned standing counsel for TANGEDCO. The third respondent has been served and he had entered appearance through counsel. A detailed counter affidavit has also been filed. But there is no appearance on behalf of the third respondent.

2.The writ petitioners are three in number. They have purchased three contiguous plots from the third respondent. Each plot measures an extent of five cents. The third respondent was receiving supply of



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electricity from a pole situated on the eastern side of the first respondent's plot. On the western side of the third petitioner's plot, there is a well as well as another pole. An electric line has been drawn between two poles. It is meant for supplying electricity for the well that belongs to the third respondent. The electric line was passing through the petitioners' plots. Due to heavy wind, the western side pole had fallen. The third respondent applied to TANGEDCO for restoring the connection as well as for installing a new pole. The western side pole became corroded. The case of the petitioners is that they had not contributed for the disruption. It was due to natural reasons, the pole had fallen. If the earlier lines are restored, they will not be able to develop the plots purchased by them. Interestingly, it is the third respondent who sold the plots. The third respondent is having a large extent of land. The petitioners are owning hardly five cents each. The specific case of the petitioners is that they are not able to put up any full fledged housing construction on account of running of the overhead lines. All that they want is that there should be modification of alignment. In other words, they do not want the electric lines to run on their lands.



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3.The question is whether this request of the petitioners is reasonable. If one goes through the provisions of the Electricity Act and the Regulations framed thereunder, it can be seen that there is a statutory mandate cast on the licensee to carry out their works by causing as little damage as possible. In this case, the beneficiary of the supply of electricity is only the third respondent. It is only just and proper that the lines run over his land and not over the plots purchased by the petitioners herein. The petitioners are willing to bear the cost of realignment also. I only hope that TANGEDCO will not burden the petitioners with unreasonable liability.

4.In the counter affidavit filed by the third respondent, the only stand taken is that his agricultural operations will be affected. This stand of the third respondent cannot be accepted. While the petitioners want to put up housing constructions, the third respondent only wants to carry on agricultural operations. If both the cases are compared, it is obvious that the petitioners' case is on a better and higher footing. More than anything else, what clinches the issue in favour of the petitioners is that



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the third respondent who is the beneficiary must have the lines drawn only over his lands.

5.In this view of the matter, direction is given to TANGEDCO to restore the supply of electricity by drawing the overhead lines on the land belonging to the third respondent. This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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**G.R.SWAMINATHAN, J.**

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