



W.P(MD)No.3616 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3616 of 2015

and

M.P(MD)No.1 of 2015

Amutham @ Mugammathal Beevi

... Petitioner

Vs.

1.The Superintendent Engineer,
TNEB, Anna Building,
Maharaja Nagar,
Tirunelveli - 627 811.

2.The Executive Engineer,
Office of Executive Engineer,
TNEB – Elangi Road,
Tirunelveli - 627 811.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order Ka.No.Se.PO.V.then,Tho,Noo.oo. 2/Ko. Nee.Na.Case/A.No.5498/14 dated 23.12.2014 passed by the second respondent and quash the same and consequently direct the respondents 1 and 2 to relocate the Electric line post from the petitioner's house.



W.P(MD)No.3616 of 2015

For Petitioner : No Appearance

For Respondents : Mr. S. Dheenadayalan
Standing Counsel

ORDER

The writ petition was filed through the counsel. Later the petitioner wanted to pursue the matter in person. On the last occasion there was no representation on her behalf. The matter was directed to list under the caption “for dismissal”. Today also there is no representation.

2. I went through the contents of the affidavit filed in support of the writ petition and also the materials enclosed in the typed set of papers.

3. The petitioner challenges the impugned communication dated 23.12.2014 whereby the second respondent rejected the petitioner's request for shifting the electric line post from the present site. The petitioner had earlier filed W.P(MD)No.14166 of 2014 for relocating the electric line post. The writ petition was disposed of on 27.08.2014 in the following terms:



W.P(MD)No.3616 of 2015

“4. Even according to the petitioner, the electric pole is in the Panchayat road. However, the petitioner would states that her easementary right is being affected and she is a handicapped person and she is unable to freely entered into her house.

5. In the light of the above, there will be a direction to the second respondent to consider the petitioner's representation dated 28.06.2014, after issuing notice to the concerned Panchayat and Village Administrative Officer and by deputing an Officer for spot inspection, and pass a reasoned order on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.”

Pursuant to the direction given by this Court, spot inspection was undertaken. The second respondent had concluded that the location of the pole as well as the electric lines are not posing any danger and that sufficient distance has been left. In that view of the matter, the petitioner's request came to be rejected.

4. These are questions of fact. The writ Court cannot sit on appeal over the decision taken by the second respondent.



W.P(MD)No.3616 of 2015

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5. This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

14.09.2023

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

To

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W.P(MD)No.3616 of 2015

G.R.SWAMINATHAN,J.

MGA

W.P(MD)No.3616 of 2015
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14.09.2023