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W.P.(MD)NO.26617 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26617 of 2022 AND
W.M.P.(MD)No.20817 of 2022

K.Palanisamy

... Petitioner

Vs.

1. State rep. by its
Superintending Engineer,
TANGEDCO,
Meenatchinaickanpatti,
Dindigul.
2. The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Vadamadurai,
Dindigul District.
3. The Assistant Engineer,
TANGEDCO,
Vadamadurai,
Dindigul District.
4. The Tahsildar,
Vedasandur Taluk,
Dindigul District.
5. Loganathan
6. Kasthuri
7. Perumal

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to drop the action of providing High Tension Electric wire to the seventh respondent in the petitioner's property at eastern 36 cents out of 1 Acre and 7 cents in S.No.353 at Kollampatti Village, Veda sandur Taluk, Dindigul District till the disposal of the original suit in O.S. No.90 of 2021 on the file of the learned District Munsif, Veda sandur.

For Petitioner : Mr.V.Muthumani

For R-1 to R-3 : Mr.S.Deenadhayalan

For R-4 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.

For R-5 to R-7 : Mr.D.Venkatesh

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner wants this Court to direct TANGEDCO to drop their proposal of realigning the petition-mentioned electric lines. His case is that the fifth respondent had illegally sold 40 cents in favour of the sixth respondent



and 41 cents in favour of the seventh respondent. According to the petitioner, she has title over 36 cents in the very same survey number (ie) 353 of Kollampatti village. The petitioner has filed O.S.No.90 of 2021 seeking the relief of partition and separate possession of his 1/3 share in the said survey number. The petitioner's apprehension is that if the petition mentioned lines are allowed to be realigned, they may eventually run over his land, that may be allotted in his favour. The case of the petitioner is rather hypothetical. Be that as it may, the request of the contesting respondents has been accepted and sanction order had also been issued by the second respondent on 12.11.2021.

3. It is for the petitioner to obtain appropriate relief in the pending civil suit. The petitioner can implead TANGEDCO in the I.A alone. TANGEDCO need not defend in the main suit. If such an I.A is filed, the same will be numbered by the learned trial Judge and disposed of on merits and in accordance with law within a period of eight weeks thereafter. The petitioner through his counsel gives an undertaking that he will move the trial court for filing I.A within three weeks



from the date of receipt of a copy of this order. If such an I.A is filed within a period of three weeks from the date of receipt of order copy, status quo as on date shall continue till the disposal of I.A. This writ petition stands disposed of. I make it clear that I have not gone into the merits of matter. All the contentions of the petitioner as well as the private respondents are left open. No costs. Consequently, connected miscellaneous petition is closed.

10.10.2023

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

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G.R.SWAMINATHAN,J.

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