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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.01.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.1877 of 2024
& WMP.No.2034 of 2024

Thamarai Selvan

... Petitioner

Vs

The Assistant Engineer
Maintenance and Mechanics Works,
Tamilnadu Electricity Board,
Vembadithalam
Salem District – 637 504,
Tamilnadu.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to remove EB pole which was wrongly erected in Cart Track in Survey No.25/1.

For Petitioner : Mr.A.Kumar
For Respondent : Mr.Syed Sibghatulla

ORDER

Mr.Syed Sibghatulla, learned counsel accepts notice for the respondent and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission. Hence, by consent, the following order is passed.



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2. The petitioner claims to be the owner of an agricultural land in S.No.25/7 Kombadipatti, Salem District, Tamil Nadu. The lands in toto are stated to admeasure 1.75 acres and comprise of three tranches situated at varying heights. While this is so, the petitioner found that an electric pole has been erected in the middle of the cart track which is being used by the petitioner to access his agricultural lands for several years. The electric pole, according to him, is located in the middle of the cart track.

3. A representation has been made by the petitioner before the respondent for removal of the pole and by proceedings bearing No.இந்.பொ/இ&ப/வேம்படிதாளம்/கட்டுதனி/அ.எண்.116/2023 dated 22.12.2023, the respondent has assured the petitioner that the electric pole would remain as it is and would not be activated by supply from that pole.

4. However, the petitioner is aggrieved by the mere placement of the pole and the prayer in this Writ Petition is for a direction to the respondent to remove the pole that has been wrongly erected in the middle of the cart track. Mr.A.Kumar, learned counsel for the petitioner would draw attention to the photographs evidencing the same. All that the petitioner seeks is that the electric pole be shifted to the side of the cart track, such that the cart track would be traversable.



5. Mr. Syed would have no objection to consideration of the request of the petitioner for shifting of the cart track. Hence, let the petitioner approach the respondent with a written request in this regard and such representation, if filed within a period of one week from today, shall be disposed by the respondent, after inspecting the site, if necessary, ascertaining the proper and appropriate location for the electric pole and after hearing the petitioner, within a period of four (4) weeks from date of receipt of such representation, in accordance with law.

6. This Writ Petition is disposed in the terms of this order. No costs.
Connected Miscellaneous Petition is closed.

31.01.2024

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Index : Yes / No
Speaking Order: Yes
Neutral Citation: Yes

To

The Assistant Engineer
Maintenance and Mechanics Works,
Tamilnadu Electricity Board,
Vembadithalam
Salem District – 637 504,
Tamilnadu.



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DR.ANITA SUMANTH, J.

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