



WEB COPY

W.P.No.8753 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.8753 of 2024

Mrs. Ida Dheena Theophillus

... Petitioner

Vs.

1. The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation,
Kanchipuram.

2. The Assistant Executive Engineer O & M,
TANGEDCO, Sembarambakkam,
Kanchipuram District – 600 123.

..... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 27.11.2023 in accordance with law and on merits of the case within a time frame stipulated by this Court.

For Petitioner : Mr. D. Daniel

For Respondents : Mr. L. Jaivenkatesh
Standing Counsel for TANGEDCO



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ORDER

This Writ petition seeking issuance of Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 27.11.2023 in accordance with law.

2. The grievances of the Writ petitioner is that High Tension Electrical Line and Tower was erected by the Electricity Board in the year 1990 in the land belongs to the petitioner. In respect of the erection of High Tension Electrical Line and Tower, the petitioner has submitted a representation to the respondents on 27.11.2023 after a lapse of about 33 years from the year of erection of High Tension Electrical Line. The petitioner has slept over his right for about 33 years and now cannot wake up one fine morning and knock the doors of the Court stating that he is eligible for compensation.

3. The learned Standing Counsel would oppose by stating that the petitioner is a subsequent purchaser. May that as it be. Restoration of dead cause of action at no circumstance can be permitted.



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4. The recent trend amongst the litigants are that representations are sent to the authorities after a lapse of several years with an ill-motive to restore the lapsed cause of actions and to re-open the same for adjudication. The High Court is issuing directions to dispose of the representations and by using the said order, they are pressurizing the public authorities to pass orders on merits. Such orders are passed by the authorities and the said order has been challenged by way of fresh Writ petition on several other grounds and this is how the cause of actions, which all are dead, are opened after several years. As the modus operandi of the litigants at no such circumstance be encouraged by the High Court, which would result in an anomalous situation where the authorities may not be in a position to deal with the cases. For example, in the present case, the High Tension Electrical Line was erected in the year 1990 and even the related files may not be available. There is yet another possibility of corrupt practices, if any such directions are issued to consider the representations.

5. In view of the facts and circumstances that the petitioner has sent his representation after a lapse of 33 years from the year of erection of High Tension Electrical Line and Tower, the direction as such sought for to



consider the representation is not entertainable and consequently, the Writ
Petition stands dismissed. There shall be no order as to costs.

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

mjs

To

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Kanchipuram.

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S.M.SUBRAMANIAM, J.

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