



WEB COPY



W.P.No.21614 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21614 of 2021

Elangovan

...Petitioner

-Vs-

(R1 & R2 are deleted from array of respondents vide order dated 06.10.2021 made in W.P.No.21614 of 2021)

3. The Chief Engineer,
Tamil Nadu Electricity Board,
Villupuram Zone,
Villupuram.

4. The Assistant Electricity Engineer,
Direction and Maintenance,
Tamil Nadu Electricity Board,
Pillaiyarkuppam,
Ulundurpet Taluk,
Kallakurichi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to choose alternative route to take out high power transmission line and towers crossing over and above the house of the petitioner situated in the residential area of M.Kunnathur Village, Ulundurpet Taluk, Kallakurichi District.



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For Petitioner : Mr.D.Arun
For Respondents
For R3 & R4 : Mrs. Danial Mary
Standing Counsel

ORDER

This writ petition has been filed for direction, directing the respondents to choose alternative route to take out high power transmission line and towers crossing over and above the house of the petitioner situated in the residential area of M.Kunnathur Village, Ulundurpet Taluk, Kallakurichi District.

2. The petitioner is residing in the land ad measuring 3375 sq.ft., comprised in survey No.280/2A-1 situated at Kunnathur Village, Kallakurichi District. While the petitioner was out of station, the third respondent had taken measurements and installed electrical line in and across the petitioner's property without even asking any consent from the petitioner. The said electrical line is very close to his house. Therefore, the petitioner requested to shift the electrical line through alternative route. Since the same was not considered, the petitioner filed the present writ petition with the above prayer.



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3. Heard the learned counsel appearing on either side and perused the material places before this Court.

4. On perusal of the counter affidavit filed by the fourth respondent revealed that the petitioner had started construction work in the vacant land in which there was existing 11 Kv high tension transmission line and poles crossing over and above to the constructed house of the petitioner which is disturbing the construction. In fact, the high tension line laid in the year 2003 and it is existing there for more than 19 years.

5. Further when the request made by the petitioner, he was informed that to take the high tension line in alternative route 15 new electrical poles have to be laid out and the petitioner has to bear the cost for the same as later entrant under deposit contributory work. Further the petitioner was directed to make appropriate application. The approximate value of Rs.5,00,000/- was also duly informed to the petitioner. However the petitioner so far did not come forward to submit application along with his share to the estimated cost.



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6. Considering the above facts and circumstances, if the petitioner is willing to share the cost of work to re-route the 11 Kv high tension transmission line by alternative route, the respondents are directed to consider the same and proceed in accordance with law.

7. With the above directions, the Writ Petition stands disposed.
There shall be no orders as to costs.

24.04.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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To

1. The Chief Engineer,
Tamil Nadu Electricity Board,
Villupuram Zone,
Villupuram.
2. The Assistant Electricity Engineer,
Direction and Maintenance,
Tamil Nadu Electricity Board,
Pillaiyarkuppam,
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G.K.ILANTHIRAIYAN. J.

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