



WP.No.23275 of 2024

In the High Court of Judicature at Madras

Dated : 16.8.2024

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.23275 of 2024

Mr.S.Thangarasu

Vs

...Petitioner

1.The District Collector,
Ariyalur District, Ariyalur.

2.The Revenue Divisional Officer,
Udayarpalayam, Ariyalur
District.

3.The Block Development Officer,
T.Palur, Ariyalur District.

4.The Assistant Executive Engineer,
O & M, TANGEDCO,
Udayarpalayam, Ariyalur District.

5.The Village Administrative Officer,
Village Administrative Office,
Venmankondan (E),
Udayarpalayam Taluk,
Ariyalur District.

6.The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Ref. No. Na.Ka.A3/28/2023 dated



WP.No.23275 of 2024

31.05.2024, quash the same and direct the respondents to remove the electricity pillar erected in front of the petitioner's property and EB wires passing through the petitioner's residential property comprised in Survey No.397/14B to an extent of 5 Cents at Venmankondan (E), Vadakadal Village, Thathanur Post, Venmankondan Via, Udayarpalayam Taluk, Ariyalur District.

For Petitioner	:	Mr.K.Balaji
For R1, R2 & R5	:	Mr.Neelakandan, AAG assisted by Mr.U.Baranidharan, AGP
For R3	:	Mr.S.Prabhakaran, GA
For R4	:	Mr.D.Sureshkumar

ORDER

This writ petition has been filed challenging the proceedings dated 31.5.2024, in and by which, the second respondent directed to give electricity and water connections to five families, after receipt of necessary applications in that regard and after taking the caution deposit, by erecting an electricity post in the road laid in the cart track through the land belonging to the petitioner on the ground that they are basic amenities and consequently to direct the respondents to remove the electricity post erected in front of the petitioner's property and the electricity wires passing through the petitioner's residential property comprised in Survey No.397/14B to an extent



WP.No.23275 of 2024

of 5 Cents at Venmankondan (E), Vadakadal Village, Thathanur Post,
Venmankondan Via, Udayarpalayam Taluk, Ariyalur District.

2. Heard the learned counsel for the petitioner, the learned Additional Advocate General assisted by the learned Additional Government Pleader accepting notice for respondents 1, 2 and 5, the learned Government Advocate accepting notice for the third respondent and the learned Standing Counsel accepting notice for the fourth respondent. In view of the nature of order this Court proposes to pass, the writ petition itself is taken up for final disposal without ordering notice to the sixth respondent.

3. The case of the petitioner is as follows :

(i) The petitioner is the owner of a residential property in S.No.397/14B to an extent of 5 cents at Venmankondan (E), Vadakadal Village, Thathanur Post, Venmankondan Via, Udayarpalayam Taluk, Ariyalur District. He is residing in the subject property for a long time along with his four daughters.

(ii) Behind the back of the petitioner, the second respondent, at the instance of the neighbours of the petitioner, by the impugned order dated 31.5.2024, directed to give electricity and water connections, for which, the lines would pass through the land of the



WP.No.23275 of 2024

petitioner. Expressing his grievance that if the electricity connection passes through his land, it would cause damage to the trees standing there, the petitioner gave his objections dated 04.7.2024 and 12.7.2024 to the respondents on the ground that he was not put on notice before even passing the impugned order.

(iii) Despite objections and without any notice to the petitioner, on 24.7.2024, the fourth respondent, by taking assistance of the sixth respondent, erected the electricity post in front of the house of the petitioner by making the electricity wires to pass through his land so as to give supply to his neighbours. The fifth respondent is also preparing to give water connection to his neighbours through the property of the petitioner. Hence, the petitioner is before this Court.

4. This Court heard the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

5. It is seen that the second respondent passed the impugned order pursuant to the application made by the neighbours of the petitioner based on the decree dated 11.9.2014 in O.S.No.236 of 2006 on the file of the District Munsif Court, Jayamkondan wherein there has been a permanent injunction granted in favour of the



WP.No.23275 of 2024

plaintiffs therein against the defendants therein not to interfere with the their peaceful possession and enjoyment by giving electricity connection and water connection through the schedule mentioned property.

6. As per the Electricity Supply Code, an electric line can be drawn in the private property to provide service connection to the needy people. If at all the petitioner wants to shift the electric line, he has to make a representation before the concerned Authority. Instead of approaching the Authority concerned, the petitioner has no right to challenge the impugned order of the second respondent whereby a direction was issued to ensure providing the electricity and the drinking water connections to the needy people on the ground that they are basic amenities. However, since the petitioner expressed his grievance that trees are standing in the subject property, liberty is granted to him to make a representation to the Authority concerned to shift the electric pole.

7. Accordingly, the writ petition is dismissed with the above observations. No costs.



WP.No.23275 of 2024

16.8.2024

SSB

Index : Yes (or) No

Neutral Citation : Yes (or) No

To

- 1.The District Collector,
Ariyalur District, Ariyalur.
- 2.The Revenue Divisional Officer,
Udayarpalayam, Ariyalur
District.
- 3.The Block Development Officer,
T.Palur, Ariyalur District.
- 4.The Assistant Executive Engineer,
O & M, TANGEDCO,
Udayarpalayam, Ariyalur District.
- 5.The Village Administrative Officer,
Village Administrative Office,
Venmankondan (E),
Udayarpalayam Taluk,
Ariyalur District.
- 6.The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.



WEB COPY



WP.No.23275 of 2024

M.DHANDAPANI,J

SSB

WP.No.23275 of 2024

16.8.2024