



W.P.No.25102 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2024

CORAM:

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

W.P.No.25102 of 2022

C.Radhakrishnan

... Petitioner

Vs.

1.The Chairman,

Tamilnadu Electricity Board,
No.144, Anna Salai,
Chennai 600 002

2.The Executive Engineer, (O&M),

Tamilnadu Generation and Distribution Co.Ltd.,
Panruti, Cuddalore District

3.The Assistant Engineer, (O&M),

Tamilnadu Generation and Distribution Co.Ltd.,
Angu Chetty Palayam Division,
Panruti Tk, Cuddalore District

4.K.Jothinathan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari Mandamus calling for the records of the third respondent in proceedings in Letter No.AE/O&M/Angu Chetty Palayam/File /A.No:149/22-23, Dated 30.08.2022 and quash the same as contrary to the provisions of the Electricity Act, 2003 and direct the respondents to complete the shifting of the agricultural service connection bearing S.C.No.73, to the bore well



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situated in survey No.63/1B1, Karukkai Village within the time frame to be fixed by this Court.

For Petitioner : Mr.M.Venkatakrishnan

For Respondents

For R1 to 3 : Mr.V.Venkatasesaiya

For R4 : Mr.P.Dinesh Kumar

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 30.08.2022 thereby directed the petitioner to show alternate way to draw electric line while shifting the electricity service connection to the petitioner's land.

2. The petitioner owns agricultural land to an extent of 1.23.0 hectares comprised in survey no.63/1B1, Karukkai Village, Panruti Taluk, Cuddalore District which was purchased by him through registered sale deed dated 18.07.2018 registered vide document No.1621 of 2018. He had also purchased another agricultural land admeasuring 77 cents comprised in survey No.1/6 Meliruppu Village with pumpset and electricity service connection-account No.73 by the registered sale deed



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dated 30.08.2018. Thereafter, the petitioner had dug up a borewell to augment water resource to irrigate the agricultural land which was purchased by him comprised in survey no.63/1B1. Therefore, he applied for shifting the electricity service connection from the open well situated in survey no.1/6, Meliruppu Village to the newly dug up borewell situated in survey No.63/1B1, Karukkai Village. On receipt of the same, the second and third respondents had inspected the location and decided that the request made by the petitioner is technically feasible route for extending the electricity supply from the existing transformers. Accordingly, they had drawn a plan and informed the petitioner to deposit a sum of Rs.1,10,510/- as cost of six poles and wires required for shifting the electricity service connection. Accordingly, the petitioner had deposited the said amount and he had made all arrangements for shifting the electricity service connection. At that juncture, the fourth respondent herein submitted objection and on receipt of the same, the third respondent passed order, that too without conducting any enquiry.



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3. On perusal of the counter filed by the third respondent revealed that on receipt of the objection from the fourth respondent, immediately it was informed to the second respondent. Further, the fourth respondent was directed to submit original documents to prove his ownership of the land in which the third respondent planned to draw electric line to shift the electricity service connection as requested by the petitioner. However, even till today, the fourth respondent did not produce any document as directed by the third respondent.

4. On perusal of the rough sketch produced by the third respondent, revealed that instead of the earlier route, on receipt of the objection from the fourth respondent, they stopped the electric pole just before the fourth respondent's land and decided to draw the electricity line to the petitioner's land. Thereafter, it goes to the borewell which was dug by the petitioner.

5. On perusal of the records, revealed that the electric line which was intended to draw is a cart track and belongs to the



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Government. The fourth respondent's land is situated adjacent to the cart track. Therefore, the electric line is no way decided to be drawn over the land owned by the fourth respondent. The branches of the trees which are grown up by the petitioner are slightly located in the cart track. Therefore, while drawing the electric line, those branches may be cut down for drawing the electric line. As such, there is absolutely no damage caused to the petitioner's land while drawing the electricity line as per the intended electric line for shifting the electricity service connection as requested by the petitioner.

6. At this juncture, the learned counsel for the fourth respondent submitted that some portion of the land is situated adjacent to the petitioner's land. Therefore, the electric line can be easily drawn in the poramboke land and it will be taken to the newly dug up borewell. He further submitted that as per the Work of Licensees Rules, 2006, in case where the owner or occupier of the building or land raises objections in respect of the works to be carried out under this rule, the licensee shall obtain permission in writing from the District Magistrate or the



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Commissioner of Police or any other officer authorised by the State Government in this behalf, for carrying out the works.

7. The above contention of the learned counsel appearing for the fourth respondent cannot be countenanced since admittedly the petitioner is not the owner of the land intended to draw the electric line and it is a cart track poramboke land. The petitioner's patta land is situated adjacent to the cart track. Therefore, it is no way affecting the petitioner's land.

8. In view of the above, the order impugned cannot be sustained and the same is liable to be quashed. Accordingly, the impugned order passed by the third respondent dated 30.08.2022 is quashed and this writ petition is allowed. The third respondent is directed to shift the electricity service connection as requested by the petitioner within a period of two weeks from the date of receipt of copy of this order. No costs.

27.06.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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