



Writ Petition No.29603 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19/9/2024

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Writ Petition No.29603 of 2023

a n d

W.M.P.Nos.29236 of 2023 & 29086 of 2024

S. Venkatesan

...

Petitioner

Vs

1. The Chief Electrical Engineer
Tamil Nadu Electricity Board
Tamil Nadu Electricity Distribution Corporation
Villupuram Taluk and District.
2. The Supervising Engineer (E.B)
O/o. Supervising Engineer Office
Tamil Nadu Electricity Board
Vengikkal, Tiruvannamalai
3. The Executive Engineer
Tamil Nadu Electricity Board
Vandavasi Taluk
Tiruvannamalai District.
4. The Assistant Executive Engineer
Tamil Nadu Electricity Board
Vandavasi Taluk
Tiruvannamalai District.



Writ Petition No.29603 of 2023

5. The Junior Engineer
Tamil Nadu Electricity Board
Desur, Vandavasi and Taluk
Tiruvannamalai District.

6. P. Poongavanam ... Respondents

PRAYER : Petition filed 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 respondents, particularly the third respondent's impugned order dated 21/8/2023, vide proceedings Ref.கடித எண்-மே.பொ/தி.மி.ப.வ/தி.மலை/உ.செ.பொ/உ.பொ/வளர்ச்சி/கோ.நீ.வ/அ.எண். 217.23-24 and subsequently, the second respondent's impugned order dated 7/9/2023, vide proceedings Ref. கடித எண்-மே.பொ/தி.மி.G.T/தி.மலை/உ.செ.பொ/உ.பொ/வளர்ச்சி/கோ.நீ.வ/அ.எண். 2 59/23-24

For petitioner ... Mr.V.Ayyadurai
Senior Counsel
for Mr.K.Govi Ganesan

For respondents ... Mr.Mohammed Fayaz Ali

ORDER

This writ petition has been filed to quash the impugned orders dated 21/8/2023 and 7/9/2023 passed by the third and second respondents



respectively and consequently, direct the second and third respondents to remove the installed electrical line and electrical pole across the petitioner's constructing house property, situated at Pancharai Village, Vandavasi Taluk, Thiruvanamalai District, comprised in S.No.184/5B2, to an extent of acre 1.10 cents.

2. The facts of the case that are necessary for the disposal of the writ petition are as follows:-

The petitioner's property is situated at Pancharai Village, Vandavasi Taluk, Thiruvannamalai District, comprised in S.No.184/5B2, to an extent of acre 1.10 cents. In the said property, petitioner has commenced to construct a house to an extent of 0.10 cents. Sixth respondent had applied for a service connection for his well under the scheme of 3 A1, i.e., Poonthotta service, near the petitioner's property. By installing the electrical pole across the petitioner's property, third and fifth respondents have taken steps to give service connection to the sixth respondent, even though the petitioner and his brother objected for the same. Hence, the petitioner had sent a detailed representation dated 17/3/2023 to all the respondents to take necessary action, to install the electrical pole in an alternative way. Since there was no



response, the petitioner had approached this Court by way of a writ petition in W.P.No.11614 of 2023. This Court, by an order, dated 18/4/2023, disposed of the writ petition, directing the second respondent to consider the representation of the petitioner within a period of twelve weeks from the date of receipt of the said order copy. Since the respondents have not responded, the petitioner had filed Contempt Petition No.1809 of 2023.

3. This Court had issued statutory notice to the third respondent on 11/8/2023 and posted the matter on 8/9/2023. In the meantime, third and second respondents had passed the impugned orders, dated 21/8/2023 and 7/9/2023 respectively, against the petitioner's interest. Hence, the petitioner has come forward with the instant writ petition.

4. Heard Mr.A.K.Kumarasamy, learned Senior Counsel for the petitioner and Ms.Daniel Mary, learned counsel for the respondents 1 to 5. There is no appearance on behalf of the sixth respondent.

5. The learned counsel appearing for the petitioner submitted that though Police complaints were lodged on 28/1/2023 and 11/5/2023, in Crime No.24 of 2023 on the file of Desur Police Station, under Sections 294 (b),



353, 427 and 506 (i) of the Indian Penal Code; and in Crime No.44 of 2023 on the file of Desur Police Station under Sections 294 (b), 553 and 506 (i) of the Indian Penal Code, respectively, respondents 3 and 5 have installed the electrical line, due to instigation of the political and financial influences made by the sixth respondent.

6. The learned Standing Counsel appearing for the respondents 1 to 5 submit that at the time of erection of poles to the sixth respondent, land of the petitioner was purely agricultural in nature and there was no foundation of columns existing at that time. Hence, any request for shifting of the connection as per the Code would be possible only when the petitioner is prepared to pay the charges for such shifting and prays for dismissal of the writ petition.

7. Perused the materials available on record.

8. The petitioner is the owner of the property in Survey No.184/5B2, to an extent of acre 1.10 cents, situated at Pancharai Village, Vandavasi Taluk, Tiruvannamalai District. For giving electricity connection to the sixth respondent, respondents 3 to 5 have installed the electrical line passing over



the petitioner's property. Even though the petitioner has raised serious objections, by way of sending representations, filing writ petition and Contempt Petition, respondents 1 to 5 are very adamant in giving connection to the sixth respondent. Moreover, the official respondents have not obtained any noobjection letter from the petitioner for installing the poles. The petitioner is unable to proceed with the further construction and development in the said land, due to the interference on the part of the fifth respondent, which is highly objectionable. The act of the fifth respondent in collusion with the sixth respondent is only for a wrongful gain is nothing but an infringement of individual rights over the subject property. Moreover, for no fault on the part of the petitioner, charges may not be imposed on the petitioner for removal of electrical poles and electrical line. In such a view of the matter, this Court is inclined to set aside the impugned orders dated 21/8/2023 and 7/9/2023 passed by the third and second respondent respectively.

9. In the result, this writ petition is allowed and the impugned orders dated 21/8/2023 and 7/9/2023 passed by the third and second respondents respectively are quashed. The second and third respondents are directed to remove the installed electrical line and electrical pole across the petitioner's



Writ Petition No.29603 of 2023

constructing house property, situated at Pancharai Village, Vandavasi Taluk, Thiruvanamalai District, comprised in S.No.184/5B2, to an extent of acre 1.10 cents, within a period two weeks from the date of receipt of a copy of this order, at the cost of the sixth respondent. No costs. Consequently, the connected Miscellaneous Petitions are closed.

19/9/2024

mvs.

Index : Yes / No

Neutral Citation: Yes/No



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Writ Petition No.29603 of 2023

M.DHANDAPANI,J

mvs.

W.P.No.29603 of 2023

19/9/2024