



W.P.Nos.33427 of 2022 & 30858 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.33427 of 2022 & 30858 of 2023

and

WMP.Nos.32868 of 2022 & 31876 of 2023

W.P.No.33427 of 2022:

Eswaramurthy ...Petitioner in W.P.No.33427 of 2022

Dhanapal ...Petitioner in W.P.No.30858 of 2023

Vs.

1. The District Collector,
Tiruppur District, Tiruppur.
2. The Superintending Engineer,
TANGEDCO,
Tiruchi Road, Palladam,
Tiruppur District.
3. The Asst. Electricity Engineer,
TANGEDCO,
Kallipalayam Village, Palladam Taluk,
Tiruppur District.
4. Chinnasamy Gounder ...Respondents in W.P.No.33427 of 2022

Vs.



W.P.Nos.33427 of 2022 & 30858 of 2023

1. Assistant Engineer,
Tamil Nadu Power Generation and Distribution corporation,
Palladam Power Distribution Circle,
Palladam, Tiruppur District.
2. The Superintend Engineer,
Tamil Nadu Power Generation and Distribution corporation,
Palladam Power Distribution Circle,
Palladam, Tiruppur District.
3. Executive Engineer,
Tamil Nadu Power Generation and Distribution corporation,
Palladam Power Distribution Circle,
Palladam, Tiruppur District. ...Respondents in W.P.No.30858 of 2023

Prayer in W.P.No.33427 of 2022: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the Respondents 1 to 3 herein from erecting Electricity lines and poles in the common passage in S.F.No.260/1 situate at Vadamalaipalayam Village, Palladam Taluk, Truppur District, without referring the objections to the 1st Respondent herein under Section 17 of Telegraph Act.

Prayer in W.P.No.30858 of 2023: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to take necessary action towards the petitioner's application for 7.5 HP power Electricity connection to the well situated at the Northern part of the agricultural land comprised Survey No.260/1A Vadamalaipalayam Village, Palladam Taluk, Thirupur District through Tatkai Special Self Finance Scheme on 20.09.2021 vide Application No. 61600183/2021-2022 Representation date 12.10.2023.



W.P.Nos.33427 of 2022 & 30858 of 2023

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In W.P.No.33427 of 2022:

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.LSM.Hasan Fisal, AGP, for R1
Mr.L.Jai Venkatesh, for R2 & R3
Ms.Preethi Basker, for R4

In W.P.No.30858 of 2023:

For Petitioner : Ms.Preethi Basker

For Respondents : Mr.L.Jai Venkatesh, SC

COMMON ORDER

Since the issue involved in both the Writ petitions are interconnected, they are disposed of by way of this common order.

2. For the sake of convenience, the petitioner in W.P.No.33427 of 2022 is hereinafter referred to as the petitioner itself and the petitioner in W.P.No.30858 of 2023 is hereinafter referred to as son of the 4th respondent in W.P.No.33427 of 2022.

3. The petitioner and the 4th respondent in W.P.No.33427 of 2022 are none other than brothers. It is the case of the petitioner that, the lands



W.P.Nos.33427 of 2022 & 30858 of 2023

comprised in S.F.Nos.260/1, 261/1 and other properties situated at Vadamalaipalayam village, Tiruppur District are the self acquired properties of one Nachimuthu Gounder, who is none other than the father of the petitioner and the 4th respondent and after his demise, his sons viz., the petitioner, the 4th respondent and one Venkatachala Gounder partitioned the above said properties, vide partition deed dated 07.04.1976 bearing Doc.No.488/1976 and the D schedule property was allotted to the petitioner and C schedule property was allotted in favour of the 4th respondent. While so, the 4th respondent has sought for electricity service connection to the well situated in his land comprised in S.F.No.260/1 through the common passage, without obtaining the petitioner's consent and pursuant to which, the respondent officials along with contractor trespassed into the petitioner's land and attempted to erect electric lines and install post in the common passage. Thereby, the petitioner sent a representation to the respondents and other authorities on the very same day, objecting the erection of poles in the common passage, which evoked no response. Hence, the petitioner has come up with the Writ petition in W.P.No.33427 of 2022. Pending the same, seeking direction to the official respondents to take necessary action on the application dated 20.09.2021 filed by the 4th respondent by considering the



W.P.Nos.33427 of 2022 & 30858 of 2023

representation dated 12.10.2023, the 4th respondent's son filed a Writ petition in W.P.No.30858 of 2023.

4. Learned counsel for the petitioner submitted that, in order to reach the petitioner's property comprised in S.F.No.261/1, he has to use the common passage through which the 4th respondent has sought for effecting electricity service connection and the said common passage is used by the petitioner and others for carrying out agricultural activities and if electric pole is erected and service connection is effected in the common passage, it will cause great hardship to the petitioner and others to carry on the agricultural operations. He further submitted that, the petitioner has no objection for effecting service connection to the 4th respondent's well through alternate way. Accordingly, he prayed for appropriate orders.

5. Per contra, the learned counsel for the 4th respondent as well as the petitioner in W.P.No.30858 of 2023 submitted that, the 4th respondent is entitled to the very same rights which the petitioner is entitled to over the common passage. She further submitted that, this Court may issue direction to the official respondents to effect electricity service connection to the 4th



W.P.Nos.33427 of 2022 & 30858 of 2023

respondent's well, without affecting the ingress and egress of the petitioner and other persons, by considering the representation dated 12.10.2023.

Accordingly, she prayed for appropriate orders.

6. On the above said contentions heard learned Additional Government pleader and the learned Standing counsel appearing for the respective respondents and perused the material documents placed on record.

7. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the cases, directs the respondents 1 to 3 to consider the representation dated 12.10.2023 made by the son of the 4th respondent/petitioner in W.P.No.30858 of 2023 along with the petitioner's objection, if any and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order, after conducting proper enquiry between the parties by affording sufficient opportunity of personal hearing to the petitioner, the 4th respondent, his son and other aggrieved persons, if any.



W.P.Nos.33427 of 2022 & 30858 of 2023

WEB COPY 8. With the aforesaid directions, these Writ Petitions stand disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

13.08.2024

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NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

To

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Tiruchi Road, Palladam,
Tiruppur District.
3. The Asst. Electricity Engineer,
TANGEDCO,
Kallipalayam Village, Palladam Taluk,
Tiruppur District.
4. Assistant Engineer,
Tamil Nadu Power Generation and Distribution corporation,
Palladam Power Distribution Circle,
Palladam, Tiruppur District.

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W.P.Nos.33427 of 2022 & 30858 of 2023

M.DHANDAPANI, J.

skt

5. The Superintend Engineer,
Tamil Nadu Power Generation and Distribution corporation,
Palladam Power Distribution Circle,
Palladam, Tiruppur District.
6. Executive Engineer,
Tamil Nadu Power Generation and Distribution corporation,
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