



W.P(MD)No.1693 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1693 of 2024

and

W.M.P.(MD)Nos.1724 and 1725 of 2024

Baskar Pandi

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Commissioner,
Virudhunagar Municipality,
Virudhunagar District.

3.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

4.The Assistant Engineer,
TANGEDCO,
SN Puram Road,
Tiruthangal,
Virudhunagar District.

5.The President,
Anaikuttam Second Grade Village Panchayat,
Sivakasi Panchayat Union,
Virudhunagar District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 2nd Respondent from not to interfering the right of the petitioner to use a public pathway which is situated in S.Nos.203, 204, 205, 182, 183, 189, 190, 192, 194, 195, 196 in Annaikuttam Village and S.Nos.64, 65, 66 and 67 in Meenakshipuram Village and consequential direction to directing the 4th respondent to provide electricity connection to the petitioner's approved building in S.No.192/1B3 in Annaikuttam Village, Sivakasi Taluk, Virudhunagar District by considering the Petitioner representation dated 18.12.2023 within the time stipulated by this Court.

For Petitioner : Mr.E.Mareeshkumar

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R1 & R3.
Mr.S.Deenadhayalan,
Standing Counsel for R4.
Mr.D.Sadiq Raja for R2 & R5.

ORDER

Heard both sides.

2.The petitioner wants to be provided with electricity service connection for the petition mentioned premises. The petitioner had earlier filed W.P.(MD)No.14868 of 2022. The writ petition was disposed of on 12.09.2023 in the following terms:



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“2.Learned Additional Government Pleader submitted that the carttrack is the exclusive land of the Municipality and the Municipality has already laid some underground drinking water pipe lines in that land. If any movement of heavy vehicles is permitted in that survey number, it may cause damage to the pipelines already laid. He further submitted that this is the only source of drinking water to the entire Municipality and if any damage is caused, it would affect the entire drinking water supply to the Municipality. Therefore, the Municipality is putting reasonable restrictions for the movements.

4.Admittedly, the land in S.No.65 is classified as a cart-track. If it is recorded as a cart-track in the revenue records, it has to be maintained as such. If the Municipality is having an apprehension that if any heavy vehicle is allowed to ply in that area, which may cause damage to the drinking water underground pipe lines passing through that survey number, the Municipality can impose reasonable restrictions with regard to the movement of vehicles. Under the guise of imposing such restrictions, they cannot prevent anybody from accessing the area in toto.”

3.Even though the said writ petition has been disposed of, it appears that TANGEDCO is hesitating to provide electricity service connection only because the local body namely, Virudhunagar municipality has not given its consent in writing. That led to the filing of this writ petition.



W.P(MD)No.1693 of 2024

4.The learned counsel for the local body submits that Section 128 of the Tamil Nadu District Municipalities Act, 1920 prohibits erection of any structure over municipal water mains. I am certain that there would be a corresponding provision in the Tamil Nadu Urban Local Bodies Act, 1998 also. This statutory prohibition will have to be taken note of by the fourth respondent while providing electricity service connection to the petitioner herein. The fourth respondent will issue notice to the second respondent. The second respondent will earmark the location of the municipal water mains laid underneath. The electric pole will be laid in such a way that the municipal water mains is not affected in any manner. The fourth respondent will see to it that the petitioner is some how provided with electricity service connection. Since the petitioner's earlier application has been closed, the petitioner shall submit a fresh application. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

10.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.1693 of 2024

To:-

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.



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W.P(MD)No.1693 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.1693 of 2024

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