



W.P(MD)No.9324 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9324 of 2024

S.Veeraputhiran

... Petitioner

Vs.

1.The Executive Engineer,
(Distribution)
Tamil Nadu Generation and Distribution Corporation,
Thoothukudi.

2.The Assistant Executive Engineer,
(Distribution)
Tamil Nadu Generation and Distribution Corporation,
Thoothukudi.

3.K.Alaghurajan

4.K.Muthukrishnan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in L.No.seypo/na/thoodi/ka.may/ko.mutha pi/a.no.180/2024 dated 03.02.2024 passed by the 1st Respondent and quash as illegal and direct the Respondent 1 and 2 to relocate the supporting pipe to the 3rd and 4th Respondents wall or any other place to their convenient.



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For Petitioners : Mr.S.Selva Krishnan

For Respondents : Mr.S.Deenadhayalan
for R1 & R2

: Mr.V.Shathurthiraja
for R3 & R4

ORDER

Heard both sides.

2. The petitioner's property and the property belonging to R3 & R4 are lying adjacent to each other. The petitioner wanted the supporting pole to be marginally shifted on the western side. The petitioner's request was rejected. Challenging the same, the present writ petition came to be filed.

3. I went through the materials on record. I also looked at the photographs. The supporting pole is resting on the compound wall. There is no decree in favour of either of the parties as to whether the compound wall is a common one or a exclusive one.

4. In these circumstances, when one party has not obtained any declaration, it may not be appropriate for the supporting pole to rest on a particular compound wall. It is for this reason I interfere with the impugned order and direct TANGEDCO to marginally shift it towards the property of the private respondents. I however make it clear that such an order is being passed only for the reason that there is no declaration in favour of the petitioner or the



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private respondents as regards the character of the compound wall. It is for the parties to work out their rights before the jurisdictional civil Court regarding the character of the compound wall. This direction will not operate to the prejudice of the respondents 3 & 4, if any suit is filed by either of the parties. Relief is given taking into account the facts obtaining before this Court. If the issue regarding the character of the compound wall crops up for consideration before the jurisdictional civil Court, the same will be decided independently and on its own merits without any reference to this order. The impugned order is set aside. The Writ Petition is allowed on these terms. No costs.

06.06.2024

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.



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