



W.P.(MD)No.17264 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.17264 of 2024

Melba Gini

... Petitioner

Vs

1. The Superintending Engineer,
TANGEDCO,
Parvathipura,
Nagarkovil,
Kanyakumari District..

2. The Executive Engineer,
TANGEDCO,
Sembonvilai and Post,
Kanyakumari District.

3. The Assistant Executive Engineer,
TANGEDCO,
Sembonvilai and Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to shift the electric pole or to change the 3 phase electric joint lines in the electric pole to the southern side of the petitioner's property through 5 ft. clamp on the basis of the petitioner's representation, dated 18.07.2024.



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For Petitioner : Mr. R.Paranjothi
For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This Writ Petition has been filed seeking a mandamus directing the respondents to shift the electric pole or to change the 3 phase electric joint lines in the electric pole to the southern side of the petitioner's property through 5 ft. clamp on the basis of the petitioner's representation, dated 18.07.2024.

2.Heard Mr.R.Paranjothi, learned counsel appearing for the petitioner, and Mr.S.Deenadhayalan, learned Standing Counsel appearing for the respondents.

3. It is the contention of the writ petitioner that she has paid necessary fee for shifting the electric pole on 16.05.2024. However, the same has not been done. Therefore, she had given representations on 09.07.2024, 18.07.2024 and 20.07.2024 and the same were not considered. Hence, this writ petition.



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4.The learned Standing Counsel appearing for the respondents on instructions submitted that the respondents are ready to shift the electric pole. However, during erection of electric pole, some third party has raised objection for the same. Therefore, they could not proceed further.

5.As long as the rights of the third party is not affected, the respondents cannot refuse to shift the electric pole. Mere objection raised by the third party cannot be a ground to refuse the shifting of electric pole, particularly, when prescribed amount is paid by the petitioner.

6.In view of the above, the respondents are directed to shift the electric pole, on the basis of petitioner's representation, dated 18.07.2024, within a period of 15 days, from the date of receipt of copy of this order. There shall be no order as to costs.

17.10.2024

NCC : Yes/No
Index : Yes/No
PNM



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To

1. The Superintending Engineer,
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2. The Executive Engineer,
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Kanyakumari District.

3. The Assistant Executive Engineer,
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N.SATHISH KUMAR, J.

PNM

ORDER IN

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