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W.P.(MD) No.2193 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2024

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.2193 of 2018

L.Muthuraj

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity & Distribution Board,
No.800, Annasalai, Chennai.

2.The Executive Engineer (Distribution),
Tamil Nadu Electricity & Distribution Board,
Kovilpatti, Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the second respondent to remove the live electricity wire in common pathway of the petitioner's house in Survey No.354/10 situated at Kuppampatti, Kayathur Taluk, Thoothukudi District.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.S.Deenadhayalan
Standing Counsel



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ORDER

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2. The respondents have filed counter affidavit, in which, it is stated as follows:

7. I respectfully submit that an electric service wire through the pathway has been there since the year 1979 and providing electricity supply to the said Venkadasamy. Admittedly, the petitioner has purchased the adjacent property subsequently only, i.e., in the year 2000. The said Venkadasamy has made an application to replace the existing old service connection wire with a new service wire with a new pole. He paid the charges and the works were carried out as in the existing position from the year 1979. The petitioner, in order to achieve his objective of removing the service line that is in existence over forty years, has made objections and then filed this writ petition by making bald and untrue allegations in his affidavit. The service line is an insulated CTC wire and the apparatus are in safe condition. The safety concern raised by the petitioner is a mere apprehension as the conditions are safe as has been in practice in every part of the State. The averments contrary to the above are denied as false. The petitioner has contacted the section officer, Junior Engineer/Rural/Kovilpatti to remove the service wire but in every para the petitioner has remarked that the



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2nd respondent (EE/Distribution/Kovilpatti) has not acted on the representation of the petitioner. The service wire had been laid 40 years back and now the petitioner objected to remove the service wire. Therefore, the petitioner is not entitled to any relief in this writ petition and as such the writ petition may be dismissed.

3. The prayer sought for in this Writ Petition is contrary to the provisions of the Indian Telegraph Act, 1885. As such, this Writ Petition is not maintainable. In case the petitioner wants the electricity line to be rerouted, it is open for the petitioner to pay the differential charge which is to paid by the consumer Venkatasamy.

4. Therefore, this Writ Petition is disposed of by giving an opportunity to the petitioner to pay the differential amount for re-routing the line through any other route without it passing through the common pathway of the petitioner's property. No costs.

01.04.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN



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C.SARAVANAN, J.

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