



W.P.(MD) No.22984 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.22984 of 2015

and

M.P.(MD) No.1 of 2015

Seeman

.. Petitioner

Vs.

- 1.The Superintending Engineer
(Operation and Maintenance),
Tamil Generation and Distribution
Corporation Ltd., (TANGEDCO),
Near Old Bus Stand, Pudukkottai.
- 2.The Executive Engineer,
Tamilnadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Aranthangi, Pudukkottai District.
- 3.The Assistant Executive Engineer,
Tamilnadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Karambakudi, Pudukkottai District.
- 4.The Assistant Engineer,
Tamilnadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Karambakudi, Pudukkottai District.



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5.AVM Pannai,
Rep., by its Owner Ramesh,
S/o.Venkatachalam,
Kallaikottai Village and Post,
Gandarvakkottai Taluk,
Pudukkottai District.

.. Respondents

*[R5 – Suo motu impleaded vide order dated
22.08.2023 made in W.P.(MD) No.22984 of 2015]*

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Prohibition, restraining the respondents and their men or agent from installing or drawing any power line running through the petitioner's land with a total extent of 1-23-00 Hectares bearing Sy.Nos.334/1, 334/2 and 334/3 of revenue village of Kallakottai, Kandarvakottai Taluk, Pudukkottai District.

For Petitioner	:	Mr.S.Satheesh Kumar
For R1 to R4	:	Mr.S.Deenadhayalan Standing Counsel
For R5	:	No appearance

ORDER

The prayer in the writ petition is to prohibit the respondents from laying the electrical poles and drawing electrical line in the petitioner's property.



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2. The learned Standing Counsel appearing on behalf of respondents 1 to 4 would submit that the poles have already been installed, electric lines have been drawn and supply has been made to various consumers.

3. Since the lines have already been laid, this Court is of the view that the prayer sought for in the writ petition cannot be entertained at this stage. Further, even on merits, a writ of prohibition cannot be issued prohibiting an authority from carrying out statutory duties that have been vested under the statute.

4. However, the learned counsel for the petitioner would submit that the petitioner would make appropriate application to the second respondent herein for removing/shifting of the said lines that have been laid within the petitioner's land.

5. If such representation is made by the petitioner, the second respondent shall consider the same and pass orders within a period of four weeks, however after affording an opportunity to the writ petitioner.



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6. With the aforesaid direction, this Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

abr



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K.KUMARESH BABU, J.

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