



W.P(MD)No.4577 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.4577 of 2017
and
W.M.P(MD)No.3654 of 2017

V.Krishnan

... Petitioner

Vs.

1.The Chief Engineer,
Tamil Nadu Electricity Board,
Maharajapuram,
Palayamkottai,
Tirunelveli.

2.The Superintending Engineer,
Office of the Superintending Engineer Office,
Tamil Nadu Electricity Board,
Ettaiyapuram Road,
Tuticorin.

3.The Executive Engineer,
Office of the Executive Engineer,
Tamil Nadu Electricity Board,
Tiruchendur,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to remove the electric post, situating in the southern side of the petitioner's



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property in Survey No.16/2A2, in Kallamozhi, Keela Tiruchendur Village, Tiruchendur Taluk, Tuticorin District within the time limit that may be stipulated by this Court.

For Petitioner : Mr.Jeyakarthik

For Respondents : Mr.S.Deenadayalan
Standing Counsel

ORDER

The present writ petition is filed for Mandamus directing the respondents to remove the electric post, situating in the southern side of the petitioner's property in Survey No.16/2A2, in Kallamozhi, Keela Tiruchendur Village, Tiruchendur Taluk, Tuticorin District.

2. It is submitted that based on the petitioner's representation, the electric pole has been shifted to the northern side of the petitioner's land as early as on 20.03.2017 and therefore, nothing survives for further adjudication.

3. The relevant portion of the counter is extracted hereunder:

"5. It is admitted that the properties in Survey Nos.16/2A2 and 15/6B of Keela Tiruchendur Village are belongs to the



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petitioner. But it is false to state that the third respondent without seeking the consent of petitioner tried to erect electric pole in the petitioner's property.

6. I respectfully submit that the electric pole is not erected in the petitioner's property. On 08.03.2017 the electric pole was erected at the place which was identified by the petitioner, which was adjacent to his land i.e., southern side of his property. Then again the petitioner raised objection contrary to his previous consent and claimed willingness to erect the pole on the northern side of his land.

7. I respectfully submit that based on the representation made by the petitioner the pole was shifted to the northern side of the petitioner's land on 20.03.2017 in the presence of the petitioner. The petitioner's request was considered and the pole was again shifted and erected as per his representation."

4. Recording the same, this writ petition stands closed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

12.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes



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BTR

To

- 1.The Chief Engineer,
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Tirunelveli.
- 2.The Superintending Engineer,
Office of the Superintending Engineer Office,
Tamil Nadu Electricity Board,
Ettaiyapuram Road,
Tuticorin.
- 3.The Executive Engineer,
Office of the Executive Engineer,
Tamil Nadu Electricity Board,
Tiruchendur,
Tuticorin District.



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MOHAMMED SHAFFIQ, J.

BTR

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