



W.P.(MD) No.18756 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.18756 of 2016

P.Veeraiah

... Petitioner

/vs./

- 1.The Superintending Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Thanjavur Electricity Distribution Circle,
Vallam Road,
Thanjavur District.
- 2.The Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Thanjavur Electricity Distribution Circle,
Pattukottai,
Thanjavur District.
- 3.The Assistant Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Sengamangalam,
Peravoorani,
Pattukottai Taluk,
Thanjavur District.



W.P.(MD) No.18756 of 2016

WEB COPY

4.The Junior Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Thiruchitrambalam,
Pattukottai Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to remove and shift the Transformer and Electrical poles from the petitioner land situated in S.F.No. 161/9 in Kulathur Village, Pattukottai Taluk, Thanjavur District without insisting the expenses from the Petitioner.

For Petitioner : M/s.R.Karthika

For Respondent : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The writ petition has been filed for a Writ of Mandamus to direct the respondents to remove and shift the Transformer and Electrical poles from the petitioner's land in S.F.No.161/9 at Kulathur Village, Pattukottai Taluk, Thanjavur District without insisting the expenses from the Petitioner.



W.P.(MD) No.18756 of 2016

WEB COPY

2.The petitioner appears to have purchased the property on 31.03.1998 vide registered document dated 31.03.1998. At the time of purchase of the property itself, the property had an electrical pole installed by the second respondent/Electricity Board.

3.It is the case of the respondents that the electric pole was installed over the property in accordance with the provisions of the Indian Electricity Act, 1910 r/w Indian Telegraph Act, 1885. It is therefore submitted that the petitioner having purchased the property knowing fully well that the property had electrical pole cannot maintain this writ petition.

4.In any event, it is submitted that the property had the electrical pole that was installed in the year 1990, when the property belonged to the petitioner's predecessor, namely Thiruvengadam, S/o.Krishna Devar. Whether the installation of the electrical pole was with the consent of the previous owner, namely Thiruvengadam or not is not available. Therefore, the decisions cited by the learned counsel for the petitioner in ***Bharat Heavy Electricals Ltd., Tiruchirapalli Vs. Tamil Nadu Electricity Board, represented by its Chairman***



W.P.(MD) No.18756 of 2016

WEB COPY

and others reported in *(2007) 2 MLJ 111* and in *Superintending Engineer, Tamil Nadu Electricity Board, Maharaja Nagar, Tirunelveli Vs. M.Sengu Vijay and another* reported in *(2011) 3 MLJ 625* will not apply to the facts of the case.

5.Under these circumstances, the Writ Petition is dismissed by permitting the petitioner to approach this Court after obtaining necessary information from the respondents regarding the circumstances surrounding the installation of the electrical pole in the year 1990, when the property belonged to Thiruvengadam, S/o.Krishna Devar. No costs.

Index : Yes / No
Internet : Yes / No
mm

12.04.2024



WEB COPY



W.P.(MD) No.18756 of 2016

C.SARAVANAN, J.

mm

W.P.(MD) No.18756 of 2016

12.04.2024