



W.P.(MD)No.26356 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.12.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26356 of 2024

P.Pandi

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
Theni Distribution Circle,
Theni,
Theni District.

2.The Executive Engineer,
Execution and Maintenance,
TANGEDCO,
Periyakulam Taluk,
Theni District.

3.The Assistant Engineer,
TANGEDCO,
Execution and Maintenance,
Vaigaipudhur Village,
Andipatti Taluk,
Theni District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to direct the 2nd and 3rd respondents to remove the electric pole erected on the petitioner's house property in Survey No.2330 an extend of 1371.3/4 sq. feet of Melmangalam Village, Periyakulam Taluk, Theni District and by considering his representation dated 28.08.2024.



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For Petitioner : Mr.S.Atham Ali
For Respondents 1 to 3 : Mr.Deenadhayalan
Standing Counsel

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ORDER

This Writ Petition is filed, seeking to direct the 1st respondent to direct the 2nd and 3rd respondents to remove the electric pole erected on the petitioner's house property in Survey No.2330 an extend of 1371.3/4 sq. feet of Melmangalam Village, Periyakulam Taluk, Theni District and by considering his representation dated 28.08.2024.

2.Heard the learned counsels on either side and carefully perused the entire materials available on record.

3.The learned Standing Counsel appearing for the respondents on instructions submitted that the electric pole and electric lines drawn from the said pole, required by the petitioner to be removed, was erected before 20 years. After a lapse of 20 years, the petitioner has raised this objection. However, in case of requiring any deviation for the existing electric pole, the said exercise would be done, if an application is made by the petitioner under Section 17 of the Indian Telegraph Act, 1885, which is not done by the petitioner.



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4.Recording the same, this Court hereby direct the petitioner to make an application afresh in this regard, under Section 17 of the Indian Telegraph Act, 1885, to the District Collector forthwith. On receipt of same, the District Collector is directed to cause an enquiry, by conducting spot visit, after putting the necessary parties on notice as well as the respondents 1 to 3 and thereafter, take necessary steps on the application made by the petitioner within a period of four weeks from the date of receipt of copy of this order.

5.In view of the above, this Writ Petition is disposed of. There shall be no order as to costs.

04.12.2024

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



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To

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L.VICTORIA GOWRI, J.

Mrn

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