



W.P.(MD)No.4246 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4246 of 2025

1.M.Ramalinga Pandiyan
2.S.Rajkumar

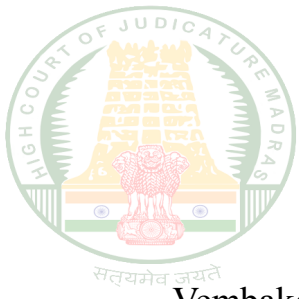
... Petitioners

-VS-

- 1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Ramamoorthy Road,
Virudhunagar District.
- 2.The Assistant Executive Engineer,
Office of the Assistant Executive Engineer,
Tamil Nadu Cements, Alangulam,
Virudhunagar District.
- 3.The Divisional Engineer,
Office of the Divisional Engineer,
Ponnagaram, Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove and shift the Transformer/Electrical Poles erected in the middle of the petitioners' plot numbers 6, 7 and 8 comprised in Survey No.S.F.No.1102, situated at Alangulam Village,



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Vembakottai Taluk, Virudhunagar District, without insisting the expenses from the petitioners.

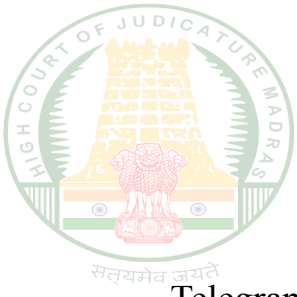
For Petitioners : Mr.A.Balaji
For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the respondents to remove and shift the Transformer/Electrical Poles erected in the middle of the petitioners' Plot Nos.6, 7 and 8, comprised in Survey No.S.F.No.1102, situated at Alangulam Village, Vembakottai Taluk, Virudhunagar District, without insisting the expenses from the petitioners.

2. With the consent of both sides, this Writ Petition is disposed of at the admission stage itself.

3. According to the petitioners, the first petitioner is the owner of Plot No.8 and the second petitioner is the owner of Plot Nos. 6 and 7. The respondents have installed a single-pole transformer/electrical pole on the petitioners' lands without following the provisions of the Indian Electricity Act, 1910 read with the Indian



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Telegraph Act, 1885, which could cause a hindrance to the petitioners. Even before installation of the single-pole transformer/electrical pole, the petitioners had sent a representation requesting reconsideration of the installation. However, the respondents did not heed the request of the petitioners, installed the transformer in the middle of the petitioners' lands, despite there being no electricity connection. If the respondents install wires and provide a connection, the live electric lines would pass from one street to another through the petitioners' property with only a one-foot gap between the live wires and the petitioners' lands, which endangers the petitioners' lives and would also cause significant hindrance to them, if they decide to construct a house. Hence, the petitioners have repeatedly requested for removal of the electric poles. The petitioners have also approached the respondents on several occasions both in person and through representations dated 24.01.2025 and 31.01.2025, requesting the removal and shifting of the transformer/electrical poles erected on their property. Since no action has been taken, the petitioners have filed the present writ petition.

4. Heard both sides.

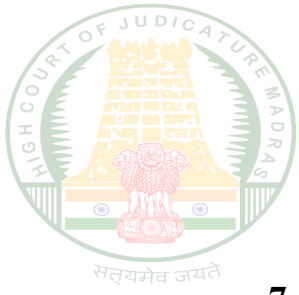


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5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioners' representations dated 24.01.2025 and 31.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.



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7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No

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To:-

- 1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Ramamoorthy Road,
Virudhunagar District.
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VIVEK KUMAR SINGH, J.

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