



W.P.(MD)No.4636 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4636 of 2025

J.Mahalakshmi

: Petitioner

Vs.

1. The Assistant Engineer,
TANGEDCO,
O/o. the Assistant Engineer,
TANGEDCO,
Pandankudi Village,
Kottampatti Way,
Melur Taluk,
Madurai District.

2. Pitchai @ Ponnusamy

3. Chinnaamy @ Pazhanisamy

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to shift / remove the electrical line of respondents 2 to 3, which is passing over above the petitioner property situated at S. No.540/24 in Patta No. 550 to an extent of 0.00.59 square meter, S. No.540/25 to an extent of 0.00.17.0 square meter, in Manapacheri Village, Melur Taluk, Madurai District and provide alternative pathway of electrical line to the respondents 2 to 3.



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For Petitioner : Mr.S.A.Ajmal Khan

For Respondents : Mr.S.Deenadhayalan

Standing Counsel for R1

ORDER

The petitioner has filed this writ petition for issuance of a writ of mandamus, directing the first respondent to shift or remove the electrical line of respondents 2 to 3, which is passing over above the petitioner property situated at S.No.540/24 in Patta No.550 to an extent of 0.00.59 square meter, S.No.540/25 to an extent of 0.00.17.0 square meter, in Manapacheri Village, Melur Taluk, Madurai District and provide alternative pathway of electrical line to the respondents 2 to 3.

2. The petitioner contends that the residence of the private respondents is situated adjacent to her property and that the high-voltage electricity cables are precariously passing over her dwelling house. In this regard, he submitted a representation to the first respondent on 07.12.2024, requesting remedial action. However, since there is no any response or corrective measures from the first respondent, the petitioner has been compelled to file the present writ petition.



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3. Heard the learned counsel for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel, accepts notice on behalf of the first respondent. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the second and third respondents is dispensed with.

4. 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.



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5. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 07.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, 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 first respondent to consider the same on its own merits.

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

20.02.2025

Index : Yes / No

Internet : Yes / No

PKN



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To

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