



W.P.(MD)No.9104 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9104 of 2025

and

WMP (MD) No.6801 of 2025

G.Muthukumar

: Petitioner

Vs.

1. The District Collector,
Pudukkottai District,
Pudukkottai.

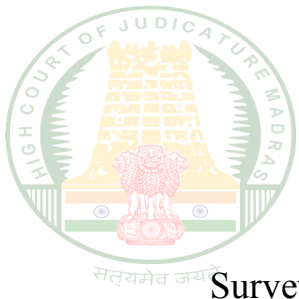
2. The Superintending Engineer,
Electricity Distribution Circle,
TANGEDCO,
Pudukkottai.

3. The Assistant Executive Engineer,
(Operation and Maintenance),
TANGEDCO,
Aranthangi, Pudukkottai District.

4. The Assistant Engineer,
(Operation and Maintenance),
TANGEDCO,
Aranthangi, Pudukkottai District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 2 to 4 to remove the all 12 poles erected on the petitioners agricultural lands in



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Survey Nos. 51/1, 52/3A, 52/3B, 52/6, 52/7, 52/8, 52/9, 52/10, 53/1A, 53/1B, 54/2 (totally 2.7.00 hectares) situated at Idaiyar village, Aranthangi Taluk, Pudukkottai district based on the petitioner's representations dated 06.08.2024 and 23.03.2025.

For Petitioner : Mr.D.Muruganantham

For Respondents : Mr.K.S.Selvaganesan

Addl. Government Pleader for R1

Mr.S.Deenadhayalan

Standing Counsel for R2 to R4

ORDER

This Writ Petition has been filed seeking a direction to the respondents 2 to 4 to remove all 12 electric poles erected on the petitioner's agricultural lands in Survey Nos. 51/1, 52/3A, 52/3B, 52/6, 52/7, 52/8, 52/9, 52/10, 53/1A, 53/1B, 54/2 (totally 2.7.00 hectares) situated at Idaiyar village, Aranthangi Taluk, Pudukkottai district, based on his representations dated 06.08.2024 and 23.03.2025.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. The case of the petitioner is that he along with his family members are engaged in agricultural business in the petition-mentioned lands. On 05.10.2022, the respondents 3 and 4 erected 12 electric poles in the petitioner's agriculture land without any permission. The learned counsel for the petitioner submitted that a peace committee was conducted on 25.03.2025 in this regard. The petitioner also submitted representations dated 06.08.2024 and 23.03.2025 to the respondents 2 and 3 to remove the electric poles. However, as no action has been taken, the petitioner has now filed the present writ petition.

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 second respondent to consider the petitioner's representations dated 06.08.2024 and 23.03.2025 in line with the peace committee meeting held on 25.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all the other persons, who may be interested in the subject matter, within a period of eight 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 second respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

03.04.2025

Index : Yes / No

Internet : Yes / No

PKN

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VIVEK KUMAR SINGH, J.

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