



W.P(MD)No.15718 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.15718 of 2025

and

W.M.P(MD)No.11949 of 2025

B.Murugesan

... Petitioner

Vs.

1.The Executive Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Chekkanoorani EB Office,
Madurai.

2.The Executive Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Usilampatti EB Office,
Madurai.

3.The Assistant Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Chekkanoorani EB Office,
Madurai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order as passed by the third respondent dated 20.11.2024 under reference KA.NO.U.PO/PA/SEK/VA.U/KO.3/A.NO.341/2024 and subsequently



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set aside the same as illegal and erroneous and consequently direct the third respondent to remove the electric posts and its board erected in the petitioner's property bearing Survey No. 227/2, Plot Nos.15, 16 situated at Chekkanoorani, K.Puliyankulam Village, Madurai forthwith.

For Petitioners : Mr.J.Jeevin

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This writ petition has been filed for a writ of Certiorarified Mandamus to call for the impugned order passed by the third respondent, dated 20.11.2024 bearing Reference No.KA.NO.U.PO/PA/SEK/VA.U/KO.3/A.NO.341/2024 and set aside the same as illegal and erroneous and consequently direct the third respondent to remove the electric posts and its board erected in the petitioner's property bearing Survey No. 227/2, Plot Nos.15, 16 situated at Chekkanoorani, K.Puliyankulam Village, Madurai forthwith.

2. The case of the petitioner is that the respondents have erected electric poles on the petitioner's land measuring 10 cents, which he has been in continuous possession of for more than 37 years. It is submitted that the



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respondents have erected two electric poles and therefore, it has created difficulties for the petitioner to have access to the property purchased by him for putting up residential purpose. Since the petitioner wants to commence construction, the petitioner requires the land free of the pole.

3. The learned Standing Counsel for the respondents submits that the petitioner had earlier submitted a representation, dated 13.08.2021, followed by a reminder, dated 27.09.2021. Since the application was not considered, the petitioner approached this Court in W.P(MD)No.428 of 2022. This Court by an order, dated 24.03.2023, directed the petitioner to file a suitable application under deposit contribution work before the respondents and the respondents were directed to prepare an estimate for shifting service line from the petitioner's property. The application has however been rejected on the ground that the petitioner has not paid necessary fee required under the deposit contribution scheme. That apart, it is submitted that the petitioner has not provided any feasibility report as is contemplated under the scheme and that the petitioner has not paid the requisite fee. The learned Standing Counsel for the respondents submits that the pole has been at the site for more than 25 years. Therefore, unless the petitioner's complies with the requirements, the question of shifting the pole cannot be countenanced.



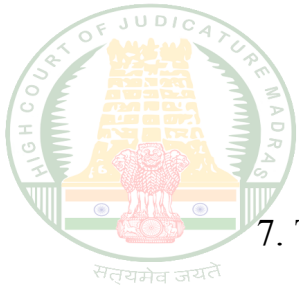
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4. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondents.

5. I am of the view that a direction can be issued to the respondents to take steps for shifting the pole from the petitioner's property, subject to petitioner paying the requisite fee as contemplated under the aforesaid scheme. The feasibility report has to be obtained by the respondents and the respondents have to give reasons why the pole cannot be shifted if the request of the petitioner cannot be accepted.

6. Therefore, there shall be a direction to the petitioner to pay the balance fee of Rs.400/- within a period of 7 days from the date of receipt of a copy of this order. The respondents shall inspect the property and the locality and then prepare a feasibility report and give an estimate to the petitioner and take steps for shifting the pole. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.



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7. The writ petition stands disposed of with the above direction. No costs.

Consequently, the connected miscellaneous petition is closed.

11.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Executive Engineer,
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Chekkanoorani EB Office,
Madurai.
- 2.The Executive Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Usilampatti EB Office,
Madurai.
- 3.The Assistant Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Chekkanoorani EB Office,
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C.SARAVANAN, J.

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