



W.P.(MD).No.16763 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.16763 of 2025

Vibin

... Petitioner

Vs.

The Assistant Engineer,
Tamil Nadu Electricity Board,
Distribution,
Eraviputhurkadai,
Kattathurai Post,
Kanyakumari District.

...Respondent

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 records of the respondent in Ka No.U PO/V/Eravi/Koo.Katta/A.No.172/2025, dated 02.06.2025 and quash the same and consequently, direct the respondent to shift the pole erected in the pathway in S.No.137/18 of Vinnayoor B Village, Thiruvattar Taluk, Kattathuri Post, Kanyakumari District.

For Petitioner	: Mr.P.Sonu
For Respondent	: Mr.S.Deenadhayalan Standing Counsel



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ORDER

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This writ petition has been filed challenging the order/communication passed by the respondent in Ka No.U PO/V/Eravi/Koo.Katta/A.No.172/2025, dated 02.06.2025 and consequently, directing the respondent to shift the pole erected in the pathway in S.No.137/18 of Vinnayoor B Village, Thiruvattar Taluk, Kattathuri Post, Kanyakumari District.

2.This writ petition is disposed of at the time of admission after hearing the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondent.

3.The petitioner has obtained No Objection Certificate from the Kattathurai Panchayat on 24.09.2024. However, the respondent has rejected the same on the ground that the neighbours are opposing the shifting of the pole. The photographs which are enclosed along with typed set of papers indicate that the pole is situated in the middle of the



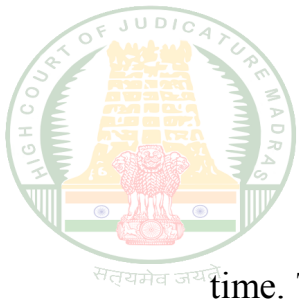
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path, as a result of which, the free movement of the vehicles will be obstructed.

4.It is submitted by the learned Standing counsel that the case of the respondent that the poles were put way back and has been in existence for a predominantly long period of time. Therefore, it is submitted that the petitioner cannot have any objections. That apart, it is submitted that shifting the pole will involve realigning other poles, resulting in substantial expenditure, which the petitioner will have to bear in accordance with the provisions of Section 5(6) of the Tamil Nadu Electricity Supply Code, 2004. That apart, it is submitted that the neighbours are objecting the shifting of the pole and therefore, the request of the petitioner has been rejected.

5.Considering the arguments advanced by the learned appearing for the petitioner and the learned Standing Counsel appearing for the respondent, *prima facie* there are indication that the pole is in the middle of the path, although it has been in existence for a long period of



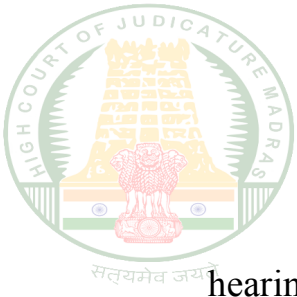
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time. There is however, no doubt that it is located on the pathway. If the petitioner wants the pole to be shifted, it is for the respondent to conduct a feasibility study and provide an estimate to the petitioner. If the petitioner agrees to bear the charges, the amount has to be collected accordingly.

6.It is needless to state that, before passing such an order, the neighbours who are likely to be affected by the shifting of the pole may also to be heard. The respondent has to balance of the parties before shifting of the pole at the petitioner's request without causing inconvenience to others adversely. A proper decision should to be take by the respondent after considering the objections of interested parties.

7.Under these circumstances, the order/communication passed by the respondent in Ka No.U PO/V/Eravi/Koo.Katta/A.No.172/2025, dated 02.06.2025 is set aside and the matter is remitted back to the respondent,who shall redo the exercise after conducting a feasibility study and preparing an estimate, and after affording an opportunity of



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hearing to the petitioner as well as the neighbours, who are likely to be affected by the shifting of the pole.

8.The respondent is at liberty to seek police protection in the event the respondent apprehend untoward incidents during the meeting between the petitioner and the neighbours who are objecting to the shifting of the pole. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

9.With the above directions, this writ petition stands disposed of. No costs.

23.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
vsg



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To

The Assistant Engineer,
Tamil Nadu Electricity Board,
Distribution,
Eraviputhurkadai,
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C.SARAVANAN, J.

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