



S.A.No.162 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.04.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A.No.162 of 2022
and C.M.P.No.3239 of 2022

- 1.The Tamil Nadu Electricity Board,
Rep by its Chairman Chennai.
- 2.The Superintending Engineer,
(General Constructions Division)
Tamil Nadu Transmission Corporation Ltd.,
TNEB,Manapuram, Trichy.
- 3.The Superintending Engineer,
Electricity related constructions
Tamil Nadu Electricity Board,
Trichy.
- 4.The Assistant Executive Engineer,
Electricity related constructions
Tamil Nadu Electricity Board,
Trichy.

... Appellants

vs.

Shanthi

... Respondent

PRAYER: Second Appeal is filed under Order XLI and Section 100 of the Code of Civil Procedure, to set aside the Judgment and Decree of the Lower Appellate Court dated 26.06.2019 passed in A.S.No.34 of 2016 on the file of the Additional Subordinate Judge, Namakkal confirming the Judgment and Decree dated 16.09.2014 passed in O.S.No.32 of 2013 on the file of the II Additional District Munsif Court, Namakkal.



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For Appellants : Mrs.J.Hemalatha Gajapathy

For Respondent : M/s.Sarvabhauman Associates

ORDER

The Second Appeal is admitted on the following substantial question of law:-

“(a) Whether the suit filed by the respondent/plaintiff seeking mandatory injunction for removal of ‘Electric Tower’ erected in the suit property is maintainable in the light of Section 17 (1) of the Indian Telegraph Act, 1885?

(b) Whether the jurisdiction of Civil Court to entertain prayer for removal of electric tower erected in suit property is impliedly ousted by Section 17 (1) of Indian Telegraph Act, 1885 read with Section 60 (3) of Telecommunications Act, 2023?”

2. M/s.Sarvabhauman Associates, takes notice for the respondent.

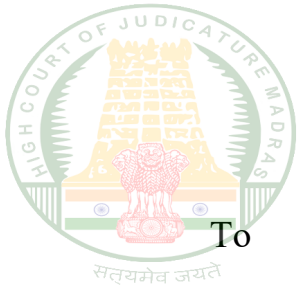
3. List the matter after six weeks.

4. The Registry is directed to call for the records from the Courts below, in the meantime.

20.04.2026

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To

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- 1.The Additional Subordinate Judge,
Namakkal.
- 2.The II Additional District Munsif Court,
Namakkal.



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S.SOUNTHAR, J.

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