

W.P.(MD)No.7721 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7721 of 2025

M.Murugavalli

: Petitioner

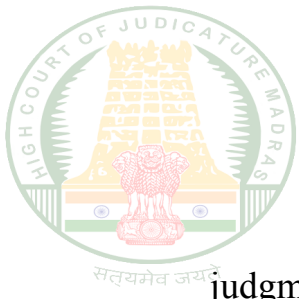
Vs.

1. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd,
Ramanathapuram
Electricity Distribution Circle,
Ramanathapuram District.

2. The Assistant Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd,
Thiruuthirakosamangai,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.1 and 2 to remove the Electric pole and service lines from the petitioner lands in S.No.29/12 Mayakulam Village, Keezhakarai Taluk, Ramanathapuram District and relocate the same in any other place by considering the petitioner representation dated 09.03.2024 in light of



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judgment passed by the Honourable Division Bench in Superintending Engineer TNEB vs M.Sengu Vijay in W.AMD No.932 of 2010 dated 22.02.2011 within the time stipulated by this Honourable Court.

For Petitioner : Mr.M.Mahaboob Fazil
for M/s. Roy and Roy Associates
For Respondents : Mr.S.Deenadhayalan
Standing Counsel
for R1 & R2

ORDER

This Writ Petition has been filed seeking a direction to the respondents to remove the electric pole and service lines from the petitioner's land in S.No.29/12, Mayakulam Village, Keezhakarai Taluk, Ramanathapuram District and relocate the same in any other place by considering her representation dated 09.03.2024 in the light of judgment passed by a Honourable Division Bench in ***Superintending Engineer TNEB vs M.Sengu Vijay*** in W.A(MD) No.932 of 2010, dated 22.02.2011, within the time stipulated by this Court.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the

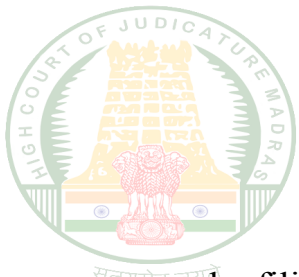


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nature of the order proposed to be passed in this writ petition, notice to the third respondent is dispensed with.

3. The petitioner claims ownership of the land in Survey No. 29/12, Mayakulam Village, Keezhakarai Taluk, Ramanathapuram District. Following a request made by the petitioner to shift the overhead electric pole passing through her property, the respondents have demanded her to bear the expenses involved in relocating the poles and lines. The petitioner contends that under Section 12(2) of the Indian Electricity Act, the respondents were required to obtain permission from the property owner before erecting the electrical poles and lines. In a similar case, a Hon'ble Division Bench of this Court in ***Superintending Engineer TNEB v. M. Sengu Vijay*** in W.A (MD) No. 932 of 2010, dated 22.02.2011, issued directions in accordance with Section 12(2) of the Indian Electricity Act. However, in the present case, the respondents erected the electric poles and lines on the petitioner's land without obtaining her consent. The petitioner submitted a representation to the respondents on 09.03.2024, requesting that the cost of relocating the electricity poles and service lines from her property be waived. However, as no action has been taken, the petitioner has now approached the Court



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by filing this writ petition.
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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.

5. In the light of the above observations, there shall be a direction to the respondents to consider the petitioner's representation dated 09.03.2024, 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 two months 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



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second respondent to consider the same on its own merits.

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

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Index : Yes / No

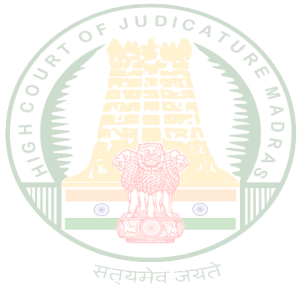
Internet : Yes / No

PKN

To

1. The Superintending Engineer,
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Corporation Ltd,
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VIVEK KUMAR SINGH, J.

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