

In the High Court of Judicature at Madras

Dated : 30.11.2015

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Review Application No.186 of 2015 and M.P.Nos.1 and 2 of 2015

C.Veerappan

...Applicant

Vs

1.The Superintending Engineer (O&M),
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
Mettur Circle, Mettur Dam-1.
Salem District.

2.The Assistant Engineer (O&M),
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
Tharamangalam-636502. Salem Dist.

3.P.Tamil Selvan

4.P.Jayagobi

...Respondents

APPLICATION under Order XLVI Rule 1 of the Civil Procedure Code to
review the order dated 13.4.2015 made in W.P.No.31906 of 2014.

For Applicant : Mr.S.Manikandan

For Respondents 1 & 2 : Mr.S.K.Rameshkumar

For Respondents 3 & 4 : Mr.S.Raveekumar

ORDER

This is an application filed by the applicant to review the order dated
13.4.2015 made in W.P.No.31906 of 2014.

2. The dispute raised in the said writ petition was relating to location of a transformer to enable the applicant to get electricity supply. At the time when the review application was heard on 27.10.2015, this Court passed the following order :

"Heard the learned counsel appearing for the parties.

2. This review application has been filed, stating that writ petition No.31906 of 2014 was disposed of by this Court on 13.4.2015 on the ground that the petitioner has to locate suitable place alongside his rice mill for erecting the transformer and the transformer cannot be permitted to be located on the opposite side of the panchayat road, since the power lines will have to cross the panchayat road. The learned counsel appearing for the petitioner has referred to a sketch filed at page No.8 of the additional typed set of papers, filed in support of this review petition and stated that already three power lines are crossing the panchayat road and no prejudice would be caused to the public, if the proposed transformer is located in the place suggested by the petitioner, which is shown in yellow colour rectangular box in the sketch at page No.8 of the additional typed set of papers. The petitioner would state that the question of locating the transformer alongside his rice mill is not feasible, since there are four high tension lines passing above the said

site area and the transformer cannot be located. These issues cannot be sorted out at this stage without the petitioner appearing before the second respondent/Assistant Engineer, TANGEDCO and explaining all these facts. Accordingly, the petitioner is directed to appear before the second respondent and submit his proposal, which shall be considered by the second respondent and the feasibility be examined. It is advisable for the second respondent to conduct spot inspection in the presence of the petitioner as well as respondents 3 and 4, so as to give quietus to the entire controversy. The above direction shall be complied with by the petitioner as well as the second respondent within a period of three weeks from the date of receipt of a copy of this order.

3. List the matter on 30.11.2015 for passing further orders."

3. Pursuant thereto, the Authorities of the respondent Board have conducted the inspection. Further, a counter affidavit has been filed by the second respondent dated 30.11.2015, from which, it is seen that the dispute between the parties has been resolved and the transformer is to be erected in an unobjectionable place and that the private respondents, who are hitherto opposing the earlier location, have stated that the present location chosen by the petitioner was, in fact, the location suggested by respondents 3 and 4. But, the petitioner has unnecessarily approached this Court and filed the above writ petition.

T.S.SIVAGNANAM,J

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4. Be that as it may, now that the issue has been resolved and the petitioner has agreed to the location of the transformer, which is delineated in green colour in the sketch prepared by the second respondent and produced before this Court, the second respondent shall prepare an estimate for erection of the transformer and serve a copy of the estimate on the petitioner. As soon as it is served on the petitioner, he shall pay the additional charges to the respondent Board and thereafter, the work shall be carried out by the second respondent as expeditiously as possible, preferably within a period of eight weeks.

5. The review application is ordered accordingly. No costs. Consequently, the above MPs are closed.

30.11.2015

Index : Yes or No

Internet : Yes or No

To

1.The Superintending Engineer (O&M), Tamil Nadu Generation & Distribution Corporation Limited (TANGEDCO), Mettur Circle, Mettur Dam-1. Salem District.

2.The Assistant Engineer (O&M), Tamil Nadu Generation & Distribution Corporation Limited (TANGEDCO), Tharamangalam-636502. Salem Dist.

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& MP.Nos.1 and 2 of 2015