

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.23732 OF 2015
and M.P.No.1 of 2015

G.Sudhakar

... Petitioner

vs.

The Assistant Engineer
Tamil Nadu Electricity Board -
Chennai North, CIT Nagar II,
TANGEDCO - Saidapet,
Chennai.

... Respondent

Prayer:- Writ petition filed under Article 226 of the constitution of India praying for a writ of mandamus forbearing the respondent or his men or agents or legal representatives or assigns or anyone claiming under him from in any manner continue the work to erect and put-up the transformer in front of the house of the petitioner situate at New No.55, Old No.70, South West Bough Road, T.Nagar, Chennai - 600 017 and further direct the respondent to locate the transformer in a place away from the petitioner's house.

For Petitioner : M/s.R.Nagasundaram

For Respondents : Mr.P.R.Dhilip Kumar
Standing Counsel for
Electricity Board

ORDER

The petitioner who is the owner of the property located at New No.55, Old No.70, South Bough Road, Chennai - 600 017 has approached this court seeking writ of mandamus forbearing the respondents from erecting and putting up the transformer in front of the house of the petitioner situate at New No.55, Old No.70, South West Bough Road, T.Nagar, Chennai - 600 017 and further direct the respondent to locate the transformer in a place away from the petitioner's house.

2. Heard Mr.R.Nagasundaram, learned counsel for the petitioner who would submit that there is no necessity for any erection of the transformers as already transformers are available. There is no necessity for new transformer as the power supply without the new transformer is enough in that area as the area does not have any multi-storeyed building nor it is a commercial area. Further, if the transformer is erected, it will obstruct the entry of his vehicle into the property.

3. Heard Mr.Dhilip Kumar, learned Standing Counsel appearing for the Electricity Board.

4. Admittedly, the transformer is located on the road and on the platforms opposite to the petitioner's property. Only when there is a necessity for erection of transformer, the Electricity Board authorities would take such a decision, that too at the request of the residence of that locality. It is not for the sake of luxury, the Electricity Board authorities erect the transformer and it should be based on expert's opinion and also based on the usage of power supply in that area. It is only to enable all the residence in that area to get uninterrupted power supply, the new transformer is sought to be located. When the transformer is to be located outside the petitioner's property, the petitioner cannot have any objection.

5. The only grievance of the petitioner that there would be difficulty in entering of his vehicles into the property, cannot have any force because there is already an exit gate through which the ingress and egress could be made. If at all, if any objection is there, it would be that the location of the transformer would not give a complete picture of the property of the petitioner, in other words, the property cannot be viewed from the road. When in the public interest, the transformer is being sought to be located by the Electricity Board authorities, in the absence of any violation of petitioner's right, the writ of mandamus cannot be maintained.

6. In view of the above said circumstances, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Asst.Registrar (CS IV)

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Sub Asst. Registrar

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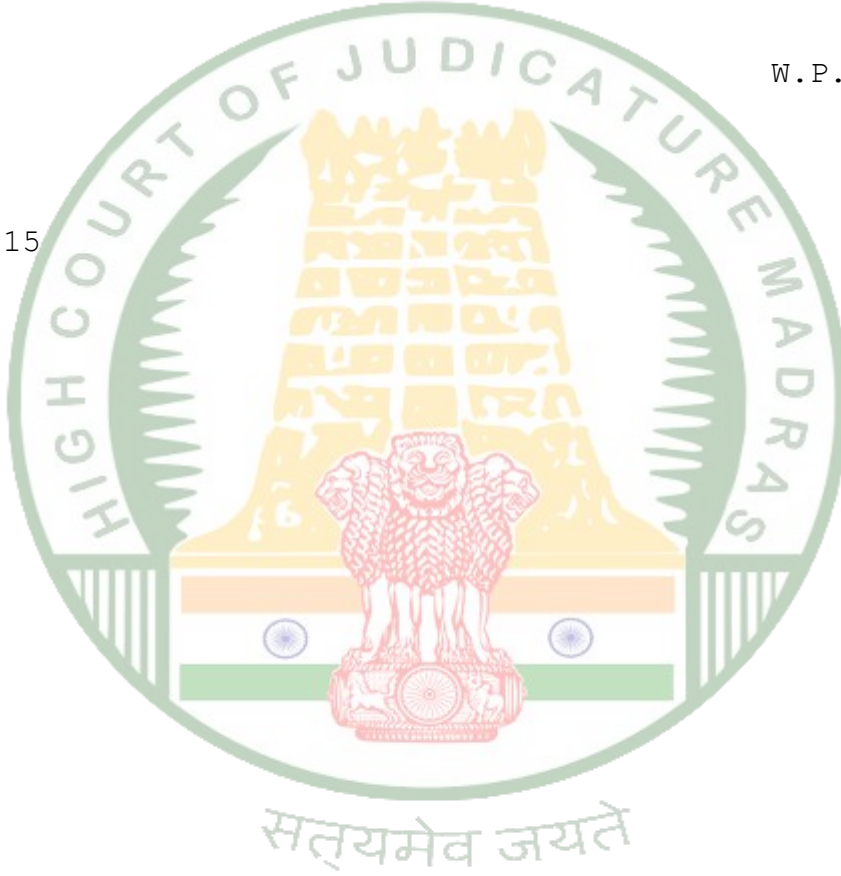
To

The Assistant Engineer
Tamil Nadu Electricity Board -
Chennai North, CIT Nagar II,
TANGEDCO - Saidapet,
Chennai.

+1 cc to M/S.R.Nagasundaram, Advocate sr.40540
+1 cc to M/S.P.R.Dhilipkumar, Advocate sr.40197

W.P.No.23732 of 2015

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