

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.31267 of 2015
and M.P.No.1 of 2015

D.F.Joseph Pereira

... Petitioner

-Vs-

1. The State of Tamil Nadu
Rep. By its by Chairman,
Tamil Nadu Electricity Board,
Annasalai, Chennai - 2.

2. State of Tamil Nadu
Rep. By its Assistant Engineer,
O & M Perambur (West)
Tamil Nadu Electricity Board,
Chennai - 600 011.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to remove/shift the transformer which is erected in front of house bearing door No.38/17, Jagannathan Colony, Foxen Street, Perambur, Chennai - 600 011 to some other place.

For Petitioner : Mrs.Selvi George

For Respondents: Mr.P.R.Dhilipkumar for TNEB

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner is the owner of the property bearing Door No.38/17, Jagannathan Colony, Foxen Street, Perambur, Chennai-600 011. According to the petitioner, the respondent Board without following any procedure has erected a very big high voltage transformer in front of the petitioner's building endangering the lives of the residence of the petitioner's building and reducing the road width. Therefore, the petitioner gave a representation to the respondent on 12.09.2015 and since no order has been passed, the petitioner has approached this Court for a direction to the respondent to remove/shift the transformer which is erected in front of the petitioner's house.

3. Heard Mrs.Selvi George, learned counsel appearing for the petitioner and Mr.P.R.Dhilipkumar, learned Standing Counsel appearing for the respondents.

4. Though Mrs.Selvi George, learned counsel appearing for the petitioner would submit that there is no necessity for such a big transformer to be erected and that to in front of the petitioner's building, as rightly pointed out by Mr.Dhilipkumar, learned counsel appearing for the respondents by producing the photographs, the transformer has been erected only back side of the petitioner's building, which is a compounded house and there is a wide gap between the petitioner's building and the transformer. Therefore, it is very clear that the petitioner's front portion is located in the next street and the petitioner falsely claimed that the transformer has been erected in front of his house, where as it has been erected in the backside of the house that to at a distance in Jagannathan Colony. Therefore, there cannot be any threat to security of the residence of the petitioner's building.

5. Therefore, the prayer sought for by the petitioner cannot be granted. Moreover, the petitioner is not an expert or technician to contend that there is no necessity for such a big former to be erected. It is not as if for the sake of pleasure, the respondents are erecting the transformer. The transformers are erected taking into consideration the consumption of the electricity in that area and load bearing capacity and to avoid electricity cut and fluctuation. It is only out of selfish motive, the present petition has been filed against the public interest. Therefore, this writ petition is dismissed. Though the petitioner is liable to be dismissed with heavy costs, taking into consideration the petitioner is a senior citizen, this Court is not awarded any cost. Consequently, connected miscellaneous petition is closed.

vsm

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Chairman,
Government of Tamil Nadu,
Tamil Nadu Electricity Board,
Annasalai, Chennai - 2.

2 .Assistant Engineer,
O & M Perambur (West)
Tamil Nadu Electricity Board,
Chennai - 600 011.

+ 1 cc to Mr.P.R.Dilipkumar, Advocate SR 53806

+ 1 cc to Mrs.Selvi George, Advocate SR 53817

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