

In the High Court of Judicature at Madras

Dated : 23.11.2015

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.32085 of 2015 and MP.No.1 of 2015

Sufa Matriculation School rep.by its  
Correspondent/Treasurer A.Rahmathtulla

...Petitioner

Vs

1. The TamilNadu Electricity Board,  
rep. by its Chairman Anna Salai  
Chennai-2.
2. The Assistant Executive Engineer,  
Operation & Maintenance Sembium  
110/33/11KV Sembium Substation  
Campus, Sembium, Chennai-11.
3. The Executive Engineer, Operation  
& Maintenance, Egmore, No.47,  
Malayappan Street, Chennai-12.
4. The Assistant Executive Engineer,  
Operation & Maintenance,  
Madhavaram, CMBTT 33/11KV SS  
Campus CMBTT Complex,  
Madhavaram, Chennai-110.
5. Chennai City Corporation rep.by its  
the Commissioner, Poonamalle High  
Road, Chennai.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents 1 to 4 from installing or erecting the transformer abutting the petitioner's school situated at No.R 45, 4th Block, 81st Street, Muthamizh Nagar, Kodungaiyur, Chennai-118 without following the Indian Telegraph Act, 1885 and regulation for safety and consequently direct the respondents 1 to 5 to dispose the representation of the petitioner dated 5.9.2015 in accordance with law and with the time frame fixed by this Court.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondents 1 to 4 : Mr.P.R.Dileepkumar

ORDER

The petitioner is a matriculation school, said to be conducting Classes I to VII and their school is located at No.39, Kaveri Salai, Gandhi Nagar, Chennai-118. The case of the petitioner is that the road leading to the school gate is less than 20 feet in width and in the morning and evening hours, when the children are being dropped and picked up, there is a heavy traffic. The grievance of the petitioner is that there is a transformer within a short distance from the main gate of the school. The petitioner submitted a representation on 5.9.2015 to the police officials as well as the respondent Board requesting that the transformer need not be installed in the said area, since there is a threat to the life of the school children.

2. The Inspector of Matriculation School has also recommended the case of the petitioner on 07.09.2015 and a copy of the said communication has been filed in the additional typed set of papers. At the time when the writ petition was entertained pursuant to the oral observations made by this Court, the transformer has not yet been erected and the pits, which were dug to erect the poles, have also been closed. It is seen that the street is narrow and during morning and evening hours, there is a heavy traffic. Hence, the petitioner is justified in stating that if transformer is erected in the narrow lane, it will definitely prejudice the rights of the children.

3. The learned counsel appearing for the respondents 1 to 4 submitted that in several places, such transformers are being erected and the proposed site in the present case is more than 100 meter away from the entrance of the school.

4. Though the transformers could have been erected in the other places, in the instant case, the proposed site is very near the gate and it is common knowledge that during morning and evening hours, there is a heavy rush due to the parents dropping and picking up the children. In most of the cases, the school deploy their teachers to regulate the traffic. Furthermore, the street is narrow. Therefore, this Court is of the view that the respondent Board should find a better location for the erection of the proposed transformer, so that the children studying in the school are not put to peril. This direction is issued in view of the fact that the transformer has not yet been erected and the pits for erecting the poles have already been closed.

5. The writ petition is ordered accordingly. No costs.  
Consequently, the above MP is closed.  
RS

Sd/-  
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Chairman,  
TamilNadu Electricity Board,  
Anna Salai, Chennai - 600 002.
2. The Assistant Executive Engineer,  
Operation & Maintenance Sembium  
110/33/11KV Sembium Substation Campus,  
Sembium, Chennai - 600 011.
3. The Executive Engineer,  
Operation & Maintenance,  
Egmore, No.47,  
Malayappan Street,  
Chennai-12.
4. The Assistant Executive Engineer,  
Operation & Maintenance,  
Madhavaram, CMBTT 33/11KV SS Campus CMBTT Complex,  
Madhavaram, Chennai-110.
5. The Commissioner,  
Chennai City Corporation Poonamalle High Road,  
Chennai.

+1 C.C. To MR.K.G.Senthilkumar, Advocate in SR.NO.63494

+1 C.C. To MR.P.R.Dhilipkumar, Advocate in SR.NO.63251

WP.No.32085 of 2015  
and MP.No.1 of 2015

GJ(CO)  
sd : 08/12/2015