

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.33648 of 2015

and

M.P.No.1 of 2015

K.Ganesan

.... Petitioner

- Vs -

1. The Chairman
Tamil Nadu Electricity Board
Anna Salai
Chennai 600 002.

2. The Assistant Engineer (O&M)
Thiruvotriyur
Chennai 600 019

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus forbearing the respondents from replacing the existing E.B.Transformer situated at No.93C/31, Village Street, T.S.Gopalnagar, Thiruvotriyur, Chennai 600 019.

For Petitioner

: Mr.DR.G.Krishnamurthy

For Respondents

: Mr.P.R.Dilip Kumar

O R D E R

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

2. The Petitioner's son viz., G.Sivasankar is owning the property bearing No.93C/31, in Village Street, T.S.Gopal Nagar, Thiruvotriyur, Chennai-19. The petitioner is residing in the said property along with his wife, another son viz., S.Jagadeesan who is a practicing Advocate in the High Court, his daughter-in-

law and his grandchildren. There is a transformer near his house which is being sought to be replaced by big giant Transformer in front of the petitioner's house which would obstruct the frontage of the petitioner's house. Therefore, the petitioner gave a representation on 30.09.2015 requesting the respondents not to replace the existing transformer situated at No.93C/31, Village Street, T.S.Gopal Nagar, Thiruvotriyur, Chennai-19.

3. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

4. A look at the photographs annexed in Typed set of papers in page Nos.27 and 28 would go to show that the existing transformer is located in the road at the end of petitioner's property and it has got nothing to do with the petitioner's property gate which is away from the Transformer. Now there is an attempt to replace the existing transformer with big giant transformer which has been objected to by the petitioner on the ground that there is no necessity to replace it and if it is replaced, it would obstruct the petitioner's frontage of the property. The replacement of the big giant transformer is only to maintain uninterrupted supply and to avoid fluctuation in the area and it is only for the public interest. Therefore, replacement of the transformer situated near to the petitioner's property, cannot be prevented. Moreover, the gate is located away from the transformer and the only contention of the petitioner that frontage will be blocked is not a reasonable ground. If it is sustained, it will go against the public interest.

5. In view of the above, the relief sought for by the petitioner cannot be granted. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

arr

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Chairman
Tamil Nadu Electricity Board
Anna Salai
Chennai 600 002.

2. The Assistant Engineer (O&M)
Thiruvotriyur
Chennai 600 019

+ 1 cc to Mr.P.R.Dhilipkumar, Advocate, SR 57353

+ 1 cc to Dr.G.Krishnamurthy, Advocate SR 57389

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