

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 09-12-2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION No.33686 OF 2015

Swami Matriculation School,  
rep.by its Correspondent V.Govindasamy,  
Vannamputhoor,  
Keezhapalur P.O.,  
Ariyalur Taluk and District ... Petitioner

-vs-

- 1.Tamil Nadu Generation & Distribution Corporation Ltd.,  
(TANGEDCO)  
rep.by its Superintending Engineer,  
Ariyalur - 621 704.
- 2.Assistant Engineer (O&M),  
TANGEDCO,  
Keezhapalur,  
Ariyalur.
- 3.Chairman,  
Thirumanoor Panchayt Union,  
Ariyalur 621 705.
- 4.Srinivasan
- 5.The Chairman,  
Tamil Nadu Electricity Board,  
Anna Salai,  
Chennai-2. ... Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records from the second respondent and quash the show cause notice issued by the second respondent vide Letter No.AE/TNEB(O&M)/Keezhapalur/Ko.kattu/A.No.294-1, dated 09.10.2015, and consequently to forbear the respondents 1 and 2 from removing the transformer SS.10 from the petitioner's patta land in S.No.459/4B, as per G.O.Ms.No.131 (School Education (B) Department, dated 10.08.2006,Annexure IX (Sl.No.10).

For petitioner : Mr.R.Venkatesulu

For respondents 1,2 &5 : Mr.P.Gunaraj

For respondent 3 : Mr.S.Diwakar,  
Addl.Govt.Pleader.

For respondent 4 : Mr.V.Vignesh

#### O R D E R

The petitioner is an educational institution and it is aggrieved by an order passed by the second respondent, directing them to shift the transformer within the school premises, stating it to be a traffic hazard. Initially, the transformer was erected adjoining the school compound wall, and, it appears, that the petitioner paid for cost of the transformer, since the petitioner is the sole beneficiary of the said transformer.

2. The impugned order has been challenged by the petitioner, by referring to G.O.Ms.No.131, School Education (B) Department, dated 10.08.2006, by which, the Government has made certain recommendations for electrical safety and it is stated, that no HT Line and Transformers should be located inside or close to the schools.

3. In my view, the abovesaid Government Order is of little avail to the case of the petitioner. The objection raised by the third respondent is, that the transformer is causing a traffic hazard. From the photograph produced before this Court, it is seen, that the said transformer is erected adjacent to the compound wall of the school. Revenue authorities say, that the petitioner has encroached into the Government land and erected the compound wall with a width of one metre and length of 42 metres, which fact has been disputed by the petitioner. In any event, this issue has to be sorted out only by the competent authorities, and not by this Court. Furthermore, the authorities have also to consider the impact of G.O.Ms.No.131, dated 10.08.2006. It is seen, that the petitioner has submitted a reply to the show cause notice, to the second respondent, on 14.10.2015, and the same is now pending consideration before the authority.

4. In view of the above facts and circumstances, the second respondent is directed to consider the reply, dated 14.10.2015, submitted by the petitioner, and pass orders on merits and in accordance with law, after giving an opportunity of hearing to the petitioner as well as the third respondent, within a period of six weeks from the date of receipt of a copy of this order. While doing so, the second respondent shall take

note of G.O.Ms.No.131, dated 10.08.2006. Till such orders are passed by the second respondent, the status quo, which is prevailing as on date, shall be maintained by the parties.

5. Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

dixit

To

- 1.The Superintending Engineer,  
Tamil Nadu Generation & Distribution Corporation Ltd.,  
(TANGEDCO)  
Ariyalur - 621 704.
- 2.Assistant Engineer (O&M),  
TANGEDCO,  
Keezhapalur,  
Ariyalur.
- 3.Chairman,  
Thirumanoor Panchayt Union,  
Ariyalur 621 705.
- 4.The Chairman,  
Tamil Nadu Electricity Board,  
Anna Salai,  
Chennai-2.

+1 cc to Mr.P.Gunaraj Advocate sr.65908  
+1 cc to M/S.Usha Raman Advocate sr.66648

W.P.No.33686 OF 2015

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