

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28291 of 2012

and

M.P.No.1 of 2012

M.G.Gopalan

... Petitioner

Versus

1. The Chairman,
Tamilnadu Electricity Board,
Mount Road, Anna Salai, Chennai - 2.
2. The Superintending Engineer,
CEDC/South,
110KV, K.K.Nagar, SS Complex,
KK Nagar, Chennai - 78.
3. The Executive Engineer,
Tamilnadu Electricity Board,
Mudichur Road,
Poothuthangal, Tambaram, Chennai - 45.
4. The Assistant Engineer,
Tamil Nadu Electricity Board,
Velacherry Main Road,
East Tambaram Section,
Pondy Bazaar, Chennai - 59

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the records of the second respondent culminating in the order dated 11.05.2012 made in letter No.SE/CEDC/S/AEE/PRO/F.CM Cek1/68/D.387/12 and consequently, direct the respondents (1) to (3) herein to shift the transformer in front of the petitioner's house in accordance to the supply rules of the Electricity Board.

For Petitioner : Mr.M.Sreedhar
for M/s.M.Shreedhar & Associates

For Respondents : Mr.P.Gunaraj
Standing counsel for TNEB

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that at the time of construction of his house, taking into consideration the requirement of the public for laying of road, he has given nearly one foot of passage for construction of the public road in front of his house, purely for public use. The petitioner would further state that during the year 2011, on the adjacent block on the opposite side of the road, a multi-storeyed residential complex was constructed in the name of 'Al-Sumuru Golden Enclave', which consists of nearly 9 flats and the respondents herein, without following the norms for installation of transformer to suit the voltage and power requirements of the multi-storeyed residential complex has chosen to install the transformer right in front of the gate of his house.

3. It is the specific case of the petitioner that while installing the transformer, Section 37 of the Electricity Act read with the Rules framed under the Tamilnadu Electricity (Terms and Conditions of Supply) Rules, have been given a complete go-by and since the petitioner was employed in abroad, he could not lodge a complaint and while it was brought to the knowledge of the respondents, the 2nd respondent has sent a communication dated 11.05.2012 stating that on inspection, it was found that the transformer with 100 KVA was erected without any hindrance to the public or individual and that there was no entrance gate at the time of erection of transformer and his request for shifting of the transfer would be considered only if he pays the necessary shifting charges. The petitioner, aggrieved by the said order has come forward to file this writ petition.

4. Learned counsel appearing for the petitioner would submit that the reasons assigned in the impugned order are per se unsustainable for the reason that the gate was existing even at the time of erection of the transformer and without getting the consent of the petitioner and without complying with the relevant norms, the said transformer has been erected and it necessitated the petitioner to erect one more folding gate on the either side of his house to have ingress and egress, for taking in or taking out the cars and two wheelers.

5. It is the further submission of the learned counsel appearing for the petitioner, on instructions, that the petitioner is also willing to pay the necessary shifting charges and hence appropriate orders may be passed directing the respondents to shift the transformer.

6. Mr.P.Gunaraj, learned standing counsel appearing for the respondents has invited the attention of this Court to the counter affidavit of the 3rd respondent and would contend that before erecting the transformer, all relevant norms and regulations have been scrupulously considered and complied with and if the petitioner is interested in shifting the transformer, apart from paying the necessary charges, he has to identify the alternate place also, so that in future such problem may not arise.

7. This Court, carefully considered the rival submissions and also perused the materials placed before it.

8. In the light of the submission made by the learned counsel appearing of the petitioner, on instructions, that the petitioner is willing to pay the necessary charges for shifting of the transformer coupled with the specific stand taken by the learned standing counsel appearing for the respondents that apart from paying the charges, the petitioner has to identify the alternate place also, this Court is of the view that the following order would meet the ends of justice.

"In the result, the writ petition is disposed of and the petitioner is directed to approach the 3rd respondent in the form of a representation as to his willingness and consent to pay the necessary shifting charges with the identification of the alternate place for erecting the transformer within a period of two weeks from the date of receipt of a copy of this order and the 3rd respondent on receipt of the said representation, shall consider the same in accordance with law, and pass orders within a period of six weeks thereafter, and communicate the decision taken, to the petitioner. No costs. Consequently, the connected Miscellaneous Petition is closed."

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ars

To

1. The Chairman,
Tamilnadu Electricity Board,
Mount Road, Anna Salai, Chennai - 2.

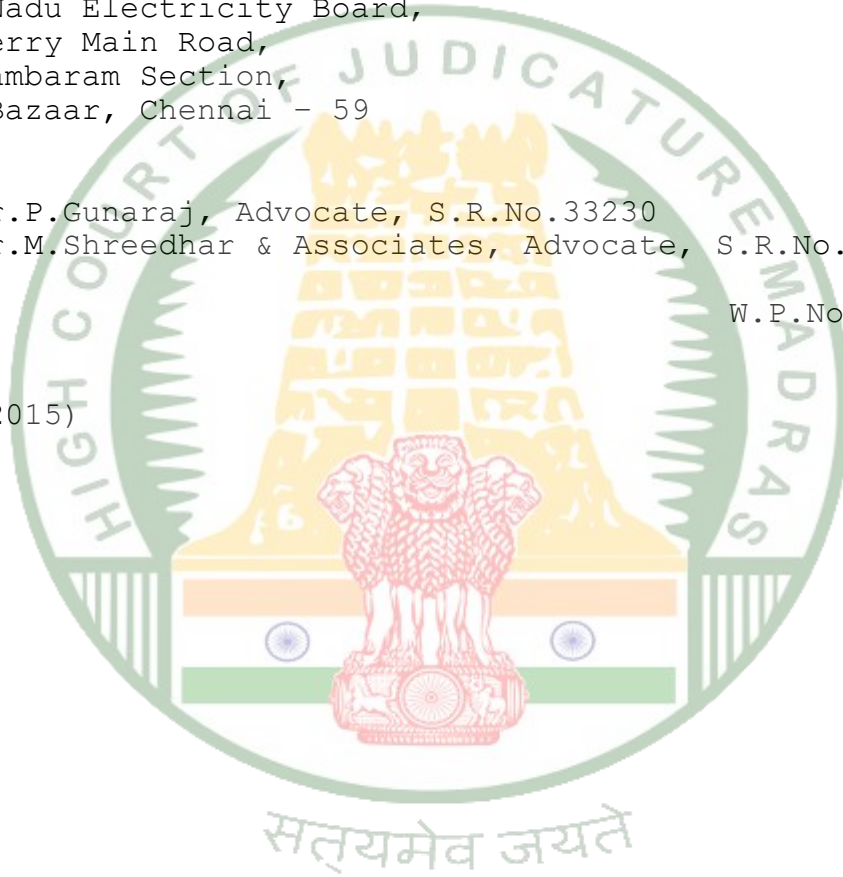
2. The Superintending Engineer,
CEDC/South,
110KV, K.K.Nagar, SS Complex,
KK Nagar, Chennai - 78.
3. The Executive Engineer,
Tamilnadu Electricity Board,
Mudichur Road,
Poothuthangal, Tambaram, Chennai - 45.
4. The Assistant Engineer,
Tamil Nadu Electricity Board,
Velacherry Main Road,
East Tambaram Section,
Pondy Bazaar, Chennai - 59

+1cc to Mr.P.Gunaraj, Advocate, S.R.No.33230

+1cc to Mr.M.Shreedhar & Associates, Advocate, S.R.No.33127

W.P.No.28291 of 2012

SAI (CO)
CA(13/07/2015)



WEB COPY