



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition (MD)No.11679 of 2013

WEB COPY

J.Jeyathilagar

...Petitioner

Vs.

1.The Executive Engineer,
Tamil Nadu Electricity Board,
Madurai South,
Arasaradi,
Madurai.

2.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Madurai South, Arasaradi,
Madurai.

3.The Assistant Engineer,
Tamil Nadu Electricity Board,
Moolakarai,
Opp to Mannar Thirumalainaicker College,
Pasumalai,
Madurai 625 004.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to shift the Transformer erected in front of the landed property of the petitioner situated in survey No. 24/5 24/7 & 24/8 Thirupparakundram Vilalge Madurai south Tk madurai District to any other place so as to enable the petitioner to gain unhindered entry into the land.

For Petitioner : Mr.B.Saravanan

For Respondents : Mr.S.M.S.Johny Basha

O R D E R

The present writ petition has been filed for a Mandamus directing the respondents to shift the transformer erected in front of the property of the petitioner situated in Survey Nos.24/5 24/7 and 24/8 Thirupparakundram Village, Madurai South Taluk, Madurai District to any other place so as to enable the petitioner to gain unhindered entry into the land.

2.The only grievance of the petitioner is that in spite of there is a poramboke land available adjoining and his objections, the transformer has been erected in the property of the petitioner. He would further contend that he is willing to even pay for the shifting the transformer to any other place other than his place.

3.Learned counsel for the respondents would only contend that since erection has been completed, according to them, on payment of costs the respondents are not considered and that too, if it is technically feasible for alteration.



4. Heard the learned counsel on either side and perused the materials available on record.

5. Once the Department contends that they can change the service connection on payment charges, the question of technical feasibility does not arise. Therefore, it is for them to decide wherever it is possible change it to any other place. After all, they only can say transfer can be done on payment of charge and they cannot modify it to say that how it is not to be done. The reasoning should be only for the benefit of public at large. Therefore, the authorities on payment of charges will try to shift the transformer, as far as possible.

6. The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The Executive Engineer,
Tamil Nadu Electricity Board,
Madurai South, Arasaradi,
Madurai.

2. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Madurai South, Arasaradi,
Madurai.

3. The Assistant Engineer,
Tamil Nadu Electricity Board,
Moolakarai,
Opp to Mannar Thirumalainaicker College,
Pasumalai,
Madurai 625 004.

+1cc to Mr. B. Saravanan, Advocate in SR.4869

Writ Petition (MD) No. 11679 of 2013
02.02.2015

sms

pbk 17/02/2015 ::2p-5c: