

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13811 of 2016

&

WMP Nos.12120 of 2016

B.Balamurugan

[PETITIONER]

Vs.

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO)
No.144 Anna Salai, Chennai 2.
2. The Assistant Engineer
TANGEDCO
Anupparpalayam, Tirupur City
Tirupur District.

[RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the 2nd respondent herein not to upgrade the electric transformer additional 150 KV situated at No. 489, Selvalakshmi Nagar, Angeripalayam Road, Gandhinagar (Post), Tirupur.

For Petitioner : Mr.M.Easan

For Respondents : Mr.S.K.Raameshuwar
Standing Counsel

O R D E R

Heard Mr.M.Easan, learned counsel appearing for the petitioner and Mr.S.K.Raameshuwar, learned Standing counsel appearing for the respondents and with the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The Petitioner is aggrieved by the action of the second respondent in proposing to upgrade the existing 100 KV transformer to 150 KV. The petitioner had earlier requested for shifting of the existing transformer as it is very close to his factory and there were two fire accidents which occurred in the past making the place very unsafe.

3.Though his request was not fully agreed to by the second respondent, the petitioner was intimated by a communication dated 06.04.2016, that if alternate place is identified and intimated, his request would be considered. In that regard, the petitioner has approached the Revenue Authorities and they have also located an unobjectionable place and now, on account of the forthcoming Assembly Election, the Revenue Authorities are unable to give any certification. The petitioner's apprehension is that in the interregnum the transformer will be upgraded to 150 KV.

4.It cannot be disputed that on account of upgradation, certain third parties would be benefited as they would be either given fresh electricity supply or the existing supply would be stepped up. In the absence of all those parties being respondents in this Writ Petition, at this juncture, no positive direction can be granted. It is seen that the petitioner has given a representation on 06.04.2016, which is now pending consideration of the second respondent.

5.In the light of the above, there will be a direction to the second respondent to consider the petitioner's representation dated 06.04.2016, conduct spot inspection of the proposed new site, verify all the details from the petitioner and pass a speaking order on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. The second respondent may also consider postponing and stepping up of the existing transformer 150 KV in the interregnum, if there is no other legal impediment.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

r p a

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO)
No.144 Anna Salai, Chennai 2.

2. The Assistant Engineer
TANGEDCO
Anupparpalayam, Tirupur City
Tirupur District.

+ 1 cc to Mr.S.K.Raameshuwar, Advocate Sr 23355

+ 1 cc to Mr.M.Easan, Advocate Sr 23267

KR/18/4/16

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