

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14614 of 2016 and
W.M.P.No.12789 of 2016

K.Dhanalakshmi
Proprietrix M/s.Tirupur Gas Services
36 & 39, VOC Nagar, 1st Street,
Valaiyankadu, Tiruppur - 641 603
Tiruppur District. .. Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai - 600 003.
- 2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
13, A.S.Jothi Nagar,
Tiruppur - 641 602.
- 3.The Assistant Executive Engineer,
(Town/West), TNEB,
Tiruppur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
TNEB Complex, Kumaran Nagar,
Tiruppur - 641 603.
- 4.The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur. .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India seeking for a writ of mandamus forbearing the respondents from drawing any EB line or installing any electric pole in front of or just abutting the petitioner's HP Gas godown at D.Nos.36 & 39, VOC Nagar, 1st Street, Valaiyankadu, Tiruppur in view of serious threat to the safety and security of the life and property of all concerned, by considering her representations dated 22.12.2015, 28.03.2016 and 07.04.2016.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.S.K.Rameshwar (R1 to R3)
Ms.P.Shanthi (R4)

O R D E R

Heard Mr.N.Manokaran, learned counsel appearing for the petitioner, Mr.S.K.Rameshwar, learned counsel accepting notice on behalf of respondents 1 to 3 and Ms.P.Shanthi, learned counsel accepting notice on behalf of the 4th respondent. By consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner has filed this writ petition for issuance of a writ of mandamus forbearing the respondents from drawing any EB line or installing any electric pole in front of or just abutting the petitioner's HP Gas godown, Tiruppur in view of serious threat to the safety and security of the life and property of all concerned, by considering her representations dated 22.12.2015, 28.03.2016 and 07.04.2016.

3.The petitioner is a Dealer of Hindustan Petroleum Corporation Limited (hereinafter referred to as "HPCL") and has been granted Distributorship for LPG gas cylinders. The grievance of the petitioner is that there is a proposal by the respondent Board to erect electric pole and draw line in front of the godown, where the gas cylinders are stored. The petitioner raised objections stating that it would be in violation of safety norms and it would be a threat to the entire locality and in the event of any untoward incidents, casualty will be severe. Apart from the petitioner, HPCL has also given objections to the Superintending Engineer, Tiruppur, the 2nd respondent on 05.04.2016. That apart, the HPCL has also given their objections to the 4th respondent viz., the Commissioner of Tiruppur Municipal Corporation. Since these representations have not been considered, the petitioner is before this Court.

4.Considering the facts and circumstances of the case, it would be appropriate for the 2nd respondent to consider the objections, after calling for appropriate report from the 3rd respondent as well as the 4th respondent and after issuing notice to the Deputy Manager (Sales), HPCL, Coimbatore and appropriate orders shall be passed, on merits and in accordance with law. In the event, if the 2nd respondent is convinced that there would be violation of safety ***norms fixed by the HPCL, on account of the EB line in front of the Petitioner's property, he may pass appropriate orders for re-shifting the EB line away from the Petitioners property.** The above direction to be complied within a period of two weeks from the date of receipt of the copy of this order. Till then electric post and line shall not be drawn.

5.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

***Corrected as per the order of
this Court dated 2/6/2016 and
made herein**

-s/d-

**Assistant Registrar(CSVI)
dt:06/06/2016**

/true copy/

Sub Asst. Registrar

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To

- 1.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai - 600 003. (To be Substituted to
(the order already
(despatched on 13/5/2016
(on 13/5/2016 and made in
(WP.NO.14646/16
- 2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
13, A.S.Jothi Nagar,
Tiruppur - 641 602.
- 3.The Assistant Executive Engineer,
(Town/West), TNEB,
Tiruppur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
TNEB Complex, Kumaran Nagar,
Tiruppur - 641 603.
- 4.The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur.

1 cc to Mr.S.K. Rameshuwar, Advocate sr. 24813

1 cc to Mr.N. Manokaran, Advocate, Sr. ***29554**

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