

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.16868 of 2016
and
W.M.P.No.14461 of 2016

K.Varathan

...Petitioner

Vs.

1. The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
NPKRR Maligai,
144, Anna Salai, Chennai - 600 002.
 2. The Assistant Engineer,
Tamil Nadu Electricity Board,
No.26, West Coast Road,
Royapettah, Chennai - 600 014.
 3. The Additional Director,
Tamil Nadu Electricity Board,
No.26, West Coast Road,
Royapettah, Chennai - 600 014.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to immediately relocate the transformer installed in front of the petitioner's house located at Old No.34/2, New No.36, Puramprakasam Road, Balaji Nagar, Royapettah, Chennai - 600 014, to any other safe alternate place.

For Petitioner : Mr.S.Dhayalesswaran
For Respondent : Mr.P.R.Dhilipkumar
Standing Counsel (TNEB)

O R D E R

Heard Mr.S.Dhayalesswaran, learned counsel appearing for the petitioner and Mr.P.R.Dhilipkumar, learned Standing Counsel, accepting notice for respondents. With the consent of parties, the main Writ Petition is taken up for final disposal, at the stage of admission.

2. The petitioner has filed this Writ Petition praying for issuance of a writ of mandamus to direct the respondents to relocate the transformer, installed in front of the petitioner's house, situated at Old No.34/2, New No.36, Puramprakasam Road, Balaji Nagar, Royapettah, Chennai - 600 014, to any other safe alternate place.

3. The petitioner is the owner of the aforementioned property. He has leased out the property on 01.04.2015, for running a play school. According to the petitioner, the respondents have recently located a transformer in an Eastern corner of the petitioner's property, which poses threat to the children, who are attending the play school, as it is situated very close to the petitioner's property. From the photographs, annexed at page Nos.38 and 39 of the typed set of papers, filed in support of this Writ Petition, it appears that the transformer is in rear end of the petitioner's property, and it is not known as to how the petitioner is prejudiced. In any event, the transformer has already been energized, and at this juncture, no direction could be issued, to shift the transformer to any other place. However, since it is submitted by the learned Standing Counsel for respondents that the respondents are inclined to consider the petitioner's request, it is for the petitioner to identify any unobjectionable place in the same locality, and if the petitioner is able to locate a suitable place, then, he shall bear the entire costs for shifting the transformer. The petitioner is ready and willing to do so. Accordingly, while declining to grant the relief sought for in this Writ Petition, liberty is granted to the petitioner to approach the second respondent with proper proposal, identifying three areas, where, transformer could be relocated, and the second respondent can examine the proposal, and if they find the petitioner's proposal feasible, he may order for shifting the transformer, subject to the payment of entire costs by the petitioner. In case, the petitioner is unable to find out any unobjectionable place for relocation of the transformer, then, the second respondent shall provide adequate protective measures to the existing transformer, so that, it will not cause any danger to the petitioner or passer byers in that locality. The aforesaid exercise be complied by the second respondent within a period of eight weeks from the date on which the petitioner approaches the second respondent in terms of the above.

4. In the result, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.
sd

-s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
NPKRR Maligai,
144, Anna Salai, Chennai - 600 002.
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No.26, West Coast Road,
Royapettah, Chennai - 600 014.
3. The Additional Director,
Tamil Nadu Electricity Board,
No.26, West Coast Road,
Royapettah, Chennai - 600 014.

+ 1 cc to Mrs.S.Dhayalesswaran, Advocate SR 27337

+ 1 cc to Mr.P.R.Dhilipkumar, Advocate SR 27348

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