

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2016

CORAM

THE HONOURABLE Mr. JUSTICE N.KIRUBAKARAN

W.P.No.20192 of 2016
and
W.M.P.No.17389 of 2016

P.Harikrishnan

..Petitioner

Vs.

1.Tamil Nadu Electricity Board,
Rep.by its Chairman,
Mount Road, Chennai-2.

2.The Assistant Executive Engineer,
Tamilnadu Electricity Board,
West Mambalam I,
Kothanda Ramar Koil Street,
Vellai Thottam, West Mambalam,
Chennai 600 033.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to dispose of the representation of the petitioner dated 07.06.2016 and consequently direct the 2nd respondent to install the transformer at an alternate site.

For Petitioner : Ms.S.Varsha
for M/s.V.Ashok Kumar

For Respondents : Mr.P.R.Dhilip Kumar
for TNEB

ORDER

The petitioner, who is the owner of the property bearing No.12, Mayor Sambandam Street, Kodambakkam, Chennai - 600 024 has come forward with this writ petition seeking for issuance of Writ of Mandamus, directing the second respondent to dispose of the representation dated 07.06.2016 and consequently direct the second respondent to install the transformer at an alternate site.

2. According to the petitioner, the transformer which is going to be installed outside the eastern compound wall of the petitioner's house at Shyamala Vadhana Street will cause security threat to the inmates of the house and therefore, he has requested the respondents to place or erect the transformer away from the petitioner's place in an alternate place which would not cause any problem to anybody. In this regard, the petitioner has sent a representation to the second respondent on 07.06.2016 and the same has not been considered. Therefore, again the petitioner sent another representation to the first respondent on 10.06.2016.

3. Heard Ms.S.Varsha representing Mr.V.Ashok Kumar, learned counsel appearing for the petitioner, who would argue that the road width of the Shyamala Vadhana Street is only 15 ft in breadth and if the transformer is erected closer to the petitioner's premises, it will endanger the inmates and moreover, it will also obstruct the entry into the property from Shyamala Vadhana Street and the by-passers will also be affected. She has also referred to the photographs to show that erection of transformer near the petitioner's premises will cause hindrance to the petitioner.

4. However, Mr.P.R.Dhilip Kumar, learned counsel appearing for the respondents, on instructions, would submit that the petitioner is having main entrance at Mayor Sambandam Street and the other road, viz., Shyamala Vadhana Street is only a backside of the petitioner's property and therefore the petitioner is not going to be affected.

5. Taking into consideration of the facts and after viewing the photographs given by both the parties, it is evident that the transformer is erected only on the plot outside the compound wall of the petitioner's premises which is away from the petitioner's building. The apprehension of the petitioner that it will cause threat to the life of the inmates of the building is not sustainable. In the interest of public i.e. for continuous supply of power to the people in and around that area including the petitioner, the new transformer is being erected and if every citizen objects the location of the transformer near their house, there cannot be any power supply to anybody. The individual right should give way for public right. As stated above, in any way the petitioner's right is not infringed. Therefore, there cannot be any direction to the second respondent to consider the petitioner's representation. Hence, the writ petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

cse

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TO

1. The Chairman,
Tamil Nadu Electricity Board,
Mount Road, Chennai-2.

2. The Assistant Executive Engineer,
Tamilnadu Electricity Board,
West Mambalam I,
Kothanda Ramar Koil Street,
Vellai Thottam, West Mambalam,
Chennai 600 033.

+ 3 ccs to M/s.V.Ashok Kumar, Advocate Sr 33566

+ 1 cc to Mr.P.R.Dhilip Kumar, Advocate Sr 33643

KR/1/7/16

W.P.No.20192 of 2016
and
W.M.P.No.17389 of 2016

सत्यमेव जयते

WEB COPY