

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-07-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.23152 of 2016

and WMP No.19846 of 2016

D.Saraswathi

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.

2.The Superintendent Engineer,
Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO) South, K.K.Nagar,
Chennai - 600 078.

3.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO) I.T. Corridor Division,
Chennai - 600 113.

4.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO), Sholinganallur,
Chennai - 600 119.

5.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO), Sholinganallur (North),
Chennai - 600 119. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to take appropriate action on the petitioner's representation dated 24.06.2016 and shift the place of installation of the high voltage transformer from the adjacent location of petitioner's compound wall to some other place.

For Petitioner : Mr.Sankar Ramasamy
For Respondents : Mr.S.K.Rameshuwar
for TNEB.

O R D E R

The petitioner is the absolute owner of the property in Plot No.9 to an extent of 2025 sq.ft. comprised in Survey No.667/ at Ganesh Nagar, Sholinganallur, Chennai - 600 119, Kancheepuram District and he has put up construction and residing there.

2. The grievance of the petitioner is that the fourth and fifth respondents have installed electrical posts in front of her house for street light purpose and so many high tension wires are connected with the posts which are passing close to her house and those wires are causing security threat during rainy season as they are not properly maintained by the respondents.

3. When things stand so, the fourth and fifth respondents are trying to erect high voltage transformer (11 KV / 250 KV) very close to her compound wall and therefore the petitioner, vide letter dated 23.06.2016 gave a requisition to the 3rd respondent to shift the erection of high voltage transformer to some other adjacent place. Again, on 24.06.2016, the petitioner gave representation to all the respondents. Since those representations have not evoked any response, the petitioner has come up before this Court seeking writ of mandamus directing the respondents to consider her representation dated 24.06.2016 for shifting of the transformer being erected adjacent to her compound wall to some other place.

4. Heard Mr.Sankar Ramasamy, learned counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned counsel appearing for the respondents.

5. If the petitioner's representation is to be considered, there will not be any place for the respondents to erect the transformer. The transformer is erected only to see that there is round the clock power supply without any fluctuation for the residents of that area. It is only in the public interest the said exercise is being done.

6. Though the petitioner contends that near the entrance of her property, the transformer is to be erected, a perusal of the photographs would show that it is only on the corner of her property it is being erected and the entrance to her property lies away from the said place. Therefore, erection of transformer, that too in the road, will not be a problem for the petitioner. Moreover, the petitioner's property is a compounded bungalow and the building is situated sufficiently away from the transformer to be erected. If a direction is given to the respondents to consider the representation of the petitioner and accordingly, the respondents try to shift the transformer, definitely again another person will come out with a similar prayer, not to erect the transformer near his residence and it will be an unending problem. This kind of efforts should be nipped in the bud itself. In the interest of public, including the petitioner, the electricity transformer is being erected to cater the needs of the residents of the locality. Therefore, the prayer sought for by the petitioner to consider even her representation cannot be granted. Accordingly, the writ petition fails.

7. In the result, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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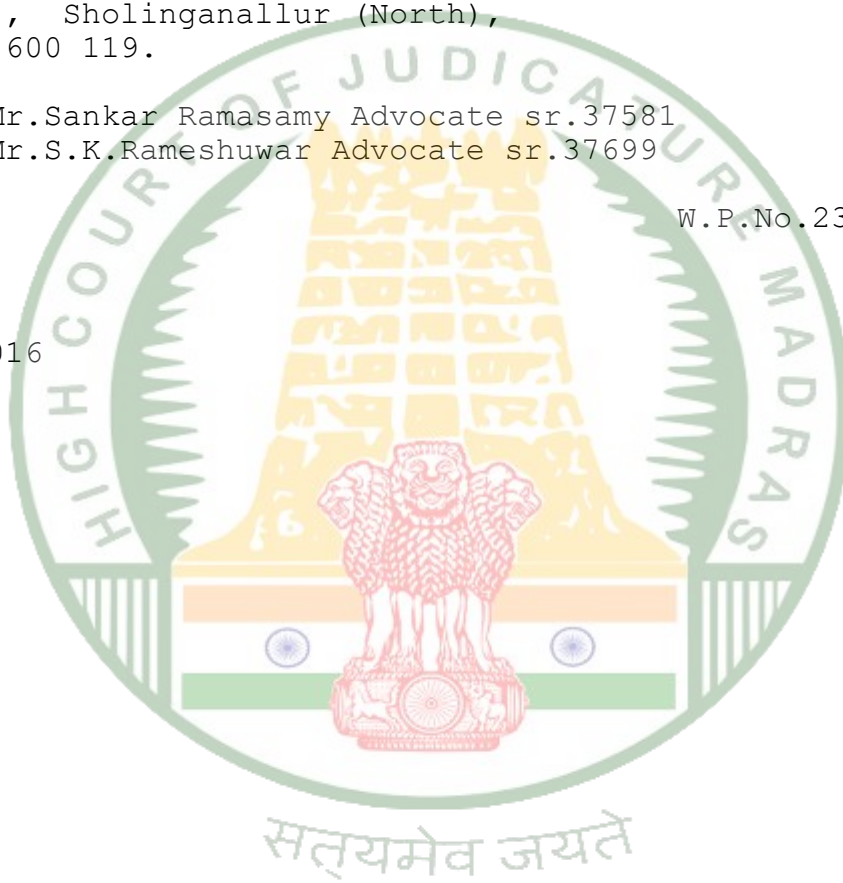
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+1 cc to Mr.Sankar Ramasamy Advocate sr.37581

+1 cc to Mr.S.K.Rameshuwar Advocate sr.37699

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