

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 28802 of 2016

&

W.M.P. Nos. 24854 & 25490 of 2016

S. Murugesan ...Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO,
Namakkal Division,
Namakkal.
 2. The Executive Engineer,
TANGEDCO,
Tiruchengode Taluk,
Namakkal District.
 3. The Assistant Executive Engineer,
TANGEDCO,
Morepalayam Road,
Elachipalayam,
Namakkal District.
- ...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus forbearing the respondents herein from erecting transformer or High Tension Line adjacent to the petitioner's property comprised in Survey No. 358/1B1 and 359/1F of Marapparai Village, Tiruchengode Taluk, Namakkal District.

For Petitioner :: Mr.S. Saravanan
For Respondents :: Mr.S.K. Raameshuwar

O R D E R

The petitioner contends that he is the owner of the land comprised in 358/1B1 and 359/1F of Marapparai Village, Tiruchengode Taluk, Namakkal District. Though he was originally running a school in the aforesaid premises, subsequently, he

could not apply for renewal of recognition granted to the school. However, this year, the petitioner proposes to submit an application for grant of recognition of the school run by him.

2. The premises in question abuts Vaiyappamalai - Periyamali Road and the width of the road is hardly 15 feet. According to the petitioner, the respondents herein have proposed to put up poles for the purpose of erecting High Tension line and transformer, just adjacent to the petitioner's compound and if the transformer is erected, it would protrude into the petitioner's building, which would be a safety hazard to the school students, in the event of re-opening of the school. Further, it would also endanger the lives of road users. According to the petitioner, there is a suitable alternate place where the transformer can be erected and therefore, the petitioner has approached this Court seeking a Writ of Mandamus forbearing the respondents herein from erecting transformer or High Tension Line adjacent to the petitioner's property comprised in Survey No. 358/1B1 and 359/1F of Marapparai Village, Tiruchengode Taluk, Namakkal District.

3. Heard Mr.S. Saravanan, learned counsel for the petitioner and Mr. S.K. Raameshuwar, learned counsel for the respondents.

4. A perusal of the photographs produced by the petitioner and the respondents would reveal that the transformer has been erected away from the compound wall and the road margin and it is nowhere near the petitioner's property. Therefore, the question of violating the petitioner's right causing any safety hazard to school children does not arise. If any electric line is not properly maintained, definitely, it would cause accident. But, merely because there are chances of electric shock or accidents, it cannot be said that people cannot use electricity. What is required to be done is that sufficient safeguards will have to be taken while utilising such a powerful scientific invention. That being so, the petitioner cannot be heard saying that the erection of transformer or High Tension Line will endanger the lives of road users as well as school children.

5. Hence, no case is made out and the writ petition stands dismissed. No costs. Connected W.M.Ps are closed.

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

nv

To

1. The Superintending Engineer,
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Namakkal Division,
Namakkal.

2. The Executive Engineer,
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3. The Assistant Executive Engineer,
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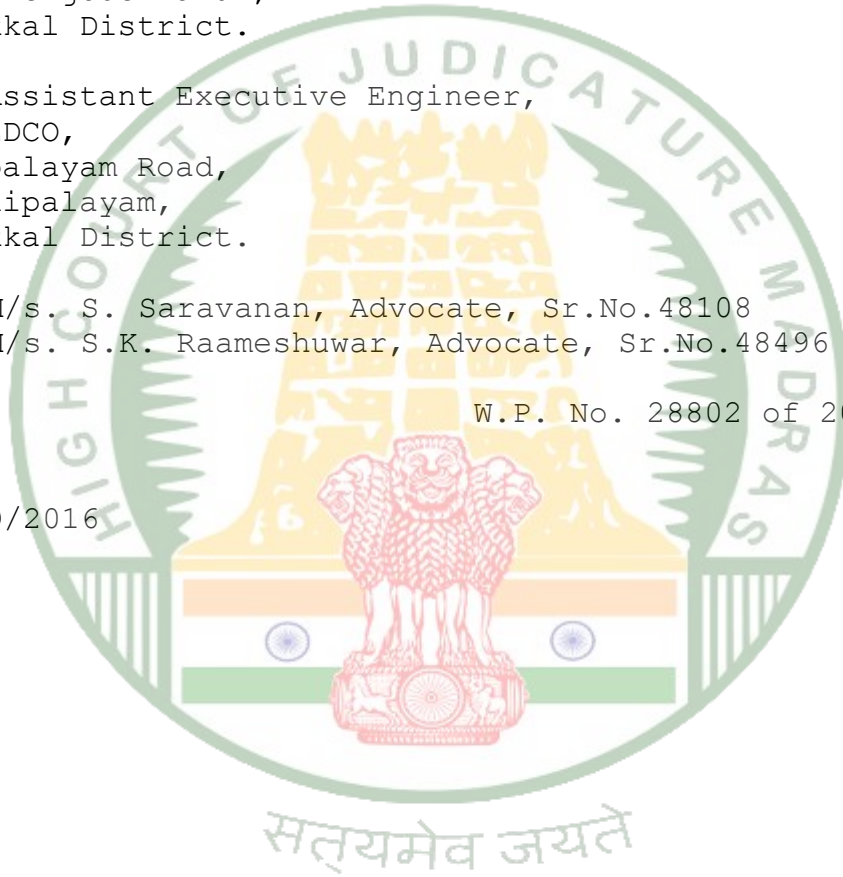
+1 CC to M/s. S. Saravanan, Advocate, Sr.No.48108

+1 CC to M/s. S.K. Raameshuwar, Advocate, Sr.No.48496

W.P. No. 28802 of 2016

RP (CO)

MD : 14/09/2016



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