

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 29836 of 2016

k. Balasubramanian

..Petitioner

Vs.

1. The Chairman,
Tamilnadu Electricity Board,
800, Anna Salai,
Chennai -2.
2. The Superintending Engineer,
Chengalpattu Electricity Distribution
Circle, Chengalpattu,
Kancheepuram District.
3. The Junior Engineer O & M,
Tamil Nadu Electricity Board,
Thiruporur Section,
Kancheepuram District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to shift the two transformers which is installed in the petitioner's school premises and install it outside the school campus on the basis of the petitioner's representations dated 10.06.2015, 06.10.2015 and 09.03.2016.

For Petitioner :: Mr.A.E. Kalaiselvan

For Respondents:: Mr.S.K. Raameshuwar

O R D E R

The petitioner is running a school called "Bharatha Vidyalaya Matriculation School for the past 20 years. The students are studying from LKG to X standard. According to the petitioner, in the school, there exists two old transformers and electrical poles are located in the middle of the school playground and three phase electrical lines are crossing the school ground. Even if a strong wind blows, electrical sparks

are created and live wires get snapped, resulting in electrical accidents. Therefore, according to the petitioner, the safety and security of the students are at stake. In this regard, the petitioner gave representations on 10.06.2015 and 06.10.2015 requesting the respondents to shift the transformers from inside the school premises to outside the school campus. Since no action has been taken, the petitioner has approached this Court.

2. A counter affidavit has been filed by the 3rd respondent wherein, at paragraph No. 3, it is stated as follows:

"I further submit that the Pole and Line and Transformer were laid during the year 1967, the Double Transformer Structure is situated outside the School compound and LT lines are found passing through the School Premises. I further submit that the EB infrastructure like transformer and line were laid before the construction of school building. Further building near the double transformer structure was learned to the constructed since two years back as per the Plan Approval No. 172/2014 dated 12.03.2014 by the President, Panchayat Board, Thandalam Panchayat. I further submit that the Transformer caters Electricity Supply to nearly 500 houses located in nearby Street and the transformer and lines were periodically maintained and replaced with new materials as and when required. I further submit that the capacity of the transformer were enhanced as per the load requirement. There was no complaint of line cut and spark in that School Premises from the School Authority as well as from the public. "

Further, it is seen from the counter affidavit that the petitioner, on 22.07.2010, had submitted a representation to shift the transformer and lines, for which, the 3rd respondent, vide his letter dated 28.07.2010, had asked the petitioner to give a consent letter for paying the estimated cost towards shifting charges of transformer and lines. Again, on 16.06.2011, the 3rd respondent had given an advice for paying Rs.3,14,660/- towards shifting charges. But, the petitioner has not paid the said amount till date.

4. Heard the parties and perused the records.

5. As stated in paragraph No. 3 of the counter affidavit, the Pole and Line and Transformer were erected as early as in the year 1967 and thereafter only, the petitioner has constructed a house and a school, near the transformer. Though Mr. Kalaiselvan, learned counsel for the petitioner would contend that the transformer, the line and Pole are standing in the petitioner's property, they have not been installed recently and they are

available right from 1967. Knowingly, the petitioner has constructed the school near the existing transformer. Therefore, he cannot complain that security and safety of the students are at risk. If the petitioner had been really interested in the welfare of the students, he would have come forward to pay the estimated cost towards the shifting charges of transformer and line, as per the letter of the 3rd respondent dated 28.07.2010 and the advice given by the 3rd respondent dated 16.06.2011. Without paying the amount, the petitioner cannot expect the transformer to be shifted to a nearby place. Hence, the writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamilnadu Electricity Board,
800, Anna Salai,
Chennai -2.
2. The Superintending Engineer,
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3. The Junior Engineer O & M,
Tamil Nadu Electricity Board,
Thiruporur Section,
Kancheepuram District.

+1cc to Mr.s.k.Ramesh kumar, Advocate, S.R.No.67261
+1cc to Mr.A.E.KALAISELVAN, Advocate, S.R.No.67561

(CO)AK
CP(02/01/2017)

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