

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.30588 of 2016
and W.M.P.No.26520 of 2016

D.V.Balasubrahmanyam

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation Corporation Limited (TANGEDO),
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.
 2. The Secretary,
Tamil Nadu Generation Corporation Limited (TANGEDO)
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.
 3. The Assistant Engineer,
TANGEDCO
Malayappan Street Seven Wells
Back side of Seven Wells Police Station,
Chennai - 600 001.
- ... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issue of Writ of Mandamus, directing the respondents to remove the present transformer pillar, fixtures, electrical poles and service lines already placed in front of the petitioner's house premises at No.135/2, Anna Pillai Street, Sowcarpet, Chennai - 600 001.

For Petitioner : Mr.Radhakrishnan
for Mr.D.Asenthamani
For Respondents : Mr.P.R.Dhilipkumar
Standing Counsel for TNEB

O R D E R

The petitioner, who is the owner of the property bearing No.135/2, Anna Pillai Street, Sowcarpet, Chennai - 600 001 has come before this Court seeking writ of Mandamus, directing the

respondents to remove the present transformer pillar, fixtures, electrical poles and service lines placed in front of his property.

2. According to the petitioner, his building has two floors and he is residing in the second floor and the ground and first floors have been let out for commercial purposes. On 22.08.2016, the respondents staff erected pillars and Transformer. The said Transformer obstructs the entry into the petitioner's property and it would affect the movement of the family members and their tenants. Further, the place where the Transformer is being erected has been used for petitioner's family for parking their vehicles. Raising apprehension of security threat, the petitioner has come before this Court, after giving a representation to the respondents 1 to 3 on 24.08.2016 to stop the erection. Since the said representation has not been considered, the very next day the petitioner approached this Court i.e. on 29.08.2016.

3. Heard Mr.Radhakrishnan, learned counsel appearing for the petitioner and Mr.P.R.Dhilipkumar, learned Standing Counsel on behalf of the respondents.

4. Taking into consideration the movement of people and the vehicles around the clock in Anna Pillai Street, which is located in Kothavalchavadi, the area and the business carried out by various persons in the streets, this Court suggested the respondents to erect RMU Transformer, which is modern one instead of the traditional Transformer. Mr.P.R.Dhilipkumar, learned Standing Counsel for TNEB on instructions would submit that the respondents are ready to erect the new type of Transformer provided the cost of Rs.20lakhs is being paid by the petitioner. Subsequently, after getting instructions, Mr.Radhakrishnan, learned counsel for the petitioner would submit that the petitioner is not interested in payment of the amount.

5. The erection of Transformer has become necessity on the part of the respondents taking into consideration the load and demand, since the Transformer is being fixed in a particular place. It is the decision of the experts to locate the Transformer in the particular place. Moreover, the photographs produced by Mr.P.R.Dhilipkumar, learned Standing Counsel for TNEB, would reveal that there is no obstruction to ingress and regress of the petitioner's property. The Transformer is located at about 10 metres away from the petitioner's property. Only to avoid fluctuation and to see that continuous supply of electricity to the area, the respondents have taken a decision

to erect the Transformer in the said place. Therefore, the act done by the respondents is in the public interest and it cannot affect the petitioner's interest. Assuming for a moment, if the petitioner's interest is affected, the private interest should give way for public interest. However, in this case as seen above even infringement petitioner's right is ruled out.

6. With the above observations, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

vsi2/sri

To

1. The Chairman,
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+1 CC to Mr. P.K. Dhilipkumar, Advocate Sr.No.52649

W.P.No.30588 of 2016

NM (CO)

MD : 06/10/2016