

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.32879 of 2016

and WMP No.28418 of 2016

1.Dr.T.Muthukumar

2.M.T.Nathan

... Petitioners

Vs.

1.The Chairman
Tamil Nadu Generation and Distribution
Company (TANGEDCO) No.144 Anna Salai,
Chennai - 600 002

2.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Company (TANGEDCO)
Anna Nagar Electricity Distribution Circle,
1908, 1st Block, 34th Street,
Anna Nagar (East), Chennai - 600 102.

3.The Assistant Engineer,
Tamil Nadu Generation and
Distribution Company (TANGEDCO)
Shenoy Nagar Division,
1st Avenue, Anna Nagar (East)
Chennai - 600 102.

4.Varaha Versatile Owners' Association,
Rep.by its President,
Mr.Thirugnanasambandam
Plot Nos.67 and 68, H-Block, 4th Street,
Anna Nagar (East)
Chennai - 600 102.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the respondents 1 to 3 to re-locate the transformer erected abutting the compound wall of the petitioner's premises at 72, H-Block, Anna Nagar (East), Chennai - 600 102 to the open space within Plot Nos.67 and 68, H Block, 4th St., Anna Nagar (East) Chennai-102.

For Petitioners: Mr.Jayesh B. Dolia
for M/s.Aiyar & Dolia

For R1 to R3 : Mr.P.R.Dhilip Kumar
TNEB for R1 to 3
Mr.M.Tamilpriyan
Advocate Commissioner

O R D E R

The petitioner who is the owner of the property bearing No.72, H-Block, Anna Nagar (East), Chennai - 600 102 has come before this Court seeking writ of mandamus directing the respondents 1 to 3 to re-locate the transformer erected abutting the compound wall of the petitioner's premises at No.72 to the open space within Plot Nos.67 and 68, H-Block, Anna Nagar (East), Chennai - 600 102.

2. The learned counsel for the petitioners would submit that to provide regular electricity supply to the apartments located in H-62 & 63, a transformer has been located to the backside of the apartment and also to the backside of the petitioners' property namely H-72. According to the petitioners, the respondents strengthened the transformer and re-calibrated the same from 2.5 to 11 k.v. This re-calibration would cause security threat to the inmates of the apartment owners as well as the petitioners' property. Moreover, he has pointed out that there is open space available within Flat Nos.67 & 68, H-Block, 4th Street to which the transformer can be re-located.

3. On the other hand, Mr.P.R.Dhilipkumar, learned standing counsel appearing for respondents 1 to 3 would submit that there is already an existing transformer and it is not location of any new transformer and that no security threat would be caused to any person including the petitioners.

4. Since contra claims were made with regard to the location of the transformer, this Court appointed Mr.M.Tamilpriyan as Advocate Commissioner who visited the property and filed his report alongwith sketch and photographs. A perusal of the Advocate Commissioner's report would reveal that the transformer is eight years old and only a new pillar is being erected to re-calibrate the transformer and there is sufficient distance between the petitioners' property and the transformer.

5. On perusal of the photographs filed by the petitioners as well as by the Advocate Commissioner, this Court is able to see that there is sufficient distance between the petitioners' property and the transformer. Moreover, the transformer is not a new one and it is eight years old and only

a new pillar is being erected so as to increase the voltage, that too in the interest of the public. By no such imagination, it would cause security threat to the inmates of the petitioners' property or apartment owners. If every owner raises objection for erection of transformers near their property, the electricity board may not be in a position to locate any transformer at any place. It is only in the interest of public, that too for regular supply of electricity, the transformers are being erected. The act of the respondents cannot be prevented, as in this case, the transformer was eight years old and no prejudice or security threat would be caused to any of the person in the apartments. Hence, the writ petition fails.

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

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The Chairman
Tamil Nadu Generation and Distribution
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Chennai - 600 002

2.The Superintending Engineer,
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3.The Assistant Engineer,
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Shenoy Nagar Division,
1st Avenue, Anna Nagar (East)
Chennai - 600 102.

+1 cc to M/s.Aiyar Dolia,sr.61313

+1 cc to Mr.P.R.Dhilipkumar,advocate,sr.60927.

nr(co)
krd 8/12

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