



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE K.K.SASIDHARANW.P. (MD) No. 9348 of 2011andM.P. (MD) No. 1 of 2011

S.Rathina Sabapathy

: Petitioner

Vs.

1.The Superintendent Engineer,
TNEB,
Maharajanagar,
Tirunelveli-11.

2.The Executive Engineer (Urban),
TNEB, V.M.Chathiram,
Tirunelveli-11.

3.The Assistant Executive Engineer
Urban & Construction,
TNEB, Kokkirakulam,
Tirunelveli-3.

4.The Assistant Executive Engineer
Urban & Distribution,
TNEB, Palayapettai,
Tirunelveli-8.

5.The Junior Engineer,
Urban & Distribution,
TNEB, Pettai,
Tirunelveli-4.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, to forbear the respondents from installing the Transformer in front of the petitioner's land in Survey Nos.94/1A and 94/1B situated at Pettai Village, now 44th Ward, Cheranmahadevi Road, Tirunelveli Corporation, in T.S.Ward No.6, Block 22, T.S.No.2658/1B and T.S.No.2658/4 and consequently, direct the respondents to remove the already installed poles and to arrange some other place to install the Transformer.

For Petitioner : Mr.A.Thirukumaran

For Respondents : Mr.G.Kasinathadurai



ORDER

The petitioner filed this Writ Petition to restrain the respondents from installing a Transformer in front of his property in Survey Nos.94/1A and 94/1B, Pettai Village, Tirunelveli Corporation,

2. The Assistant Executive Engineer, the fourth respondent herein filed a counter-affidavit, wherein it was indicated that the Electricity Board has already erected the transformer about 7 feet away from the property of the petitioner. According to the Electricity Board, the transformer is situated 3 metres from the National Highways and 7 feet from his property and as such, it would not be an obstruction to him. In view of the counter-affidavit filed by the fourth respondent, nothing survives for adjudication insofar as the prayer for Mandamus is concerned. It is always open to the petitioner to challenge the act of the respondents in installing a Transformer, if he is so advised. In any case, there is no question of issuing a Mandamus after erection of the Transformer.

3. The Writ Petition is dismissed with the above observation. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Superintendent Engineer, TNEB, Maharajanagar, Tirunelveli-11.
- 2.The Executive Engineer (Urban), TNEB, V.M.Chathiram, Tirunelveli-11.
- 3.The Assistant Executive Engineer, Urban & Construction, TNEB, Kokkirakulam, Tirunelveli-3.
- 4.The Assistant Executive Engineer, Urban & Distribution, TNEB, Palayapettai, Tirunelveli-8.
- 5.The Junior Engineer, Urban & Distribution, TNEB, Pettai, Tirunelveli-4.

SML

RL/6C/2P/SKS/RR/21/9/2016

Order made in
W.P. (MD) No.9348 of 2011
Dated: 02.09.2016