

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1093 of 2017

1. V.Mukundan
2. S.Ramesh Chandran .. Petitioners

-vs-

Tamil Nadu Generation and Distribution Corporation Ltd., rep.by its Assistant Engineer/Athipet/Ambattur No.1, Selva Vinayagar Koil Street ICF Colony, Ayyapakkam Chennai 600 077 .. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to re-erect the transformer at the existing place in which the transformer was already functioning at Township Colony, Athipet Main Road, Ambattur, Chennai.

For Petitioner :: Mr.R.Karthikeyan

For Respondent :: Mr.P.R.Dhilip Kumar

ORDER

Mr.V.Mukundan and Mr.S.Ramesh Chandran, being residents of Township Colony, Ambattur, Chennai, aggrieved by the action of the respondent in erecting/shifting the transformer just in front of their houses, have come to this Court seeking a direction to the respondent to re-erect the transformer at the place where it was already commissioned.

2. The grievance of the petitioners is that the respondent has erected/shifted the transformer just in front of their houses, instead of erecting the same in the place earmarked already, where the poles and wires are retained, causing huge prejudice and inconvenience. If the respondent wants to erect any transformer, they can do so in the previous place, which will cause no prejudice to any one. Leaving that

option which is convenient to both parties, the respondent has erected the transformer in front of the petitioners' houses, where there is already a factory functioning. Therefore, if the present action of the respondent in shifting/erecting the transformer from the old place to the place in front of the petitioners' houses is permitted, that would pose a serious problem not only to the petitioners, but also to the respondent, giving a cause of action for suing the respondent for damages, if any, lifelong. On this basis, the petitioners seek for a direction to the respondent to re-erect the transformer in the previous place.

3. Mr.P.R.Dhilip Kumar, learned standing counsel for the respondent, taking instructions from Mr.V.Dhanakodi, Assistant Engineer, Ayapakkam (Athipet) who is present before the Court, submitted that he has now advised the respondent to re-erect the transformer in the previous place and therefore he requested this Court to close the writ petition.

4. Recording the statement of the learned standing counsel that the respondent would not erect the transformer in front of the petitioners' houses, but would commission the same in the previous place itself, the writ petition stands disposed of. Consequently, W.M.P.No.1063 of 2017 stands closed. No costs.

sd/
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

1. The Assistant Engineer/Athipet/Ambattur
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.1, Selva Vinayagar Koil Street
ICF Colony, Ayyapakkam
Chennai 600 077

+1cc to Mr.P.R.Dhilip Kumar, Advocate SR.No.3309.
+1cc to Mr.R.Karthikeyan, Advocate SR.No.3249

W.P.No.1093 of 2017

NR1 (CO)
GN(03/02/2017)