



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2016

CORAM :

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.2581 of 2017

and

W.M.P(MD)No.2150 of 2017

T.Thayanandhan

... Petitioner

vs.

1)The Superintending Engineer,
Tamilnadu Electricity Board,
Parvathipuram Division,
Nagercoil.

2)The Executive Engineer,
Tamilnadu Electricity Board,
Parvathipuram Division,
Nagercoil.

3)The Assistant Engineer,
Tamilnadu Electricity Board,
Town Section-5,
Vallankumaranvilai,
Nagercoil.

4)The Junior Engineer(Distribution),
Tamilnadu Electricity Board,
Town Section-5,
Vallankumaranvilai,
Nagercoil.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to shift the new transformer along with pole which works have been in progress in front of the petitioner's land in New Survey No.L3/13-1 of Vadiveeswaram Village by consider his representation dated 07.02.2017 within a time frame as fixed by this Hon'ble court.

For Petitioner : Mr.S.Sukumar

For Respondents : Mr.S.M.S.Johny Basha

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents to shift the new transformer along with pole which is being erected in front of the petitioner's land in New Survey No.L3/13-1 of Vadiveeswaram Village, by



considering his representation dated 07.02.2017 within a time frame to be fixed by this Court.

2. In support of the above prayer, the petitioner has relied upon a decision of this Court in W.P.No.28291 of 2012, dated 03.07.2015 (M.G.Gopalan vs. The Chairman, Tamilnadu Electricity Board, Chennai, and three others), and submitted that in similar circumstances, this Court has passed the following orders:-

'8. In the light of the submission made by the learned counsel appearing for the petitioner, on instructions, that the petitioner is willing to pay the necessary charges for shifting of the transformer coupled with the specific stand taken by the learned standing counsel appearing for the respondents that apart from paying the charges, the petitioner has to identify the alternate place also, this Court is of the view that the following order would meet the ends of justice.

In the result, the writ petition is disposed of and the petitioner is directed to approach the 3rd respondent in the form of a representation as to his willingness and consent to pay the necessary shifting charges with the identification of the alternate place for erecting the transformer within a period of two weeks from the date of receipt of a copy of this order and the 3rd respondent on receipt of the said representation, shall consider the same in accordance with law, and pass orders within a period of six weeks thereafter, and communicate the decision taken to the petitioner. No costs. Consequently, the connected Miscellaneous Petition is closed.'

3. The learned counsel appearing for the petitioner would submit that the petitioner is willing to pay necessary charges for shifting of the transformer and hence, similar order may be passed.

4. The learned standing counsel for the respondents would submit that the petitioner cannot seek the present prayer as a matter of right. However, the petitioner's representation dated 07.02.2017 seeking shifting of transformer can be considered by the respondents.

5. Recording the submission made by the learned counsel for the respondents, without expressing any opinion on the merits of the case, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 07.02.2017, taking note of the decision in W.P.No.28291 of 2012, dated 03.07.2015 (M.G.Gopalan vs. The Chairman, Tamilnadu Electricity Board, Chennai, and three others), if the said decision is



applicable to the facts of this case, and to pass appropriate orders in accordance with law if there are no legal impediments, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, W.M.P(MD)No.2150 of 2017 is closed.

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/True Copy/

Sd/-

Assistant Registrar(p & A)

Sub Assistant Registrar

To

1)The Superintending Engineer,
Tamilnadu Electricity Board,
Parvathipuram Division, Nagercoil.

2)The Executive Engineer,
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3)The Assistant Engineer,
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Nagercoil.

4)The Junior Engineer(Distribution),
Tamilnadu Electricity Board,
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Vallankumaranvilai,
Nagercoil.

+1cc to M/s.s.sekumar Advocate in SR. No.8690
JS/BS/27.02.2017/3P-6C

W.P. (MD)No.2581 of 2017
15.02.2016