

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.2940 of 2018

and

WMP.No.3605 of 2018

D.R.Ganesh Sah
S/o.D.V.Ramakrishna Sah ... Petitioner

.vs.

1. The Chairman
Tamil Nadu Electricity Board
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Anna Salai, Chennai-600 002.
 2. The Superintending Engineer
Tamil Nadu Electricity Board
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Olimohammedpettai, Kancheepuram.
 3. The Executive Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Railway Road, Kancheepuram,
Kancheepuram District.
 4. The Assistant Engineer, (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Railway Road, Kancheepuram,
Kancheepuram District.
- ...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from erecting transformer in front of the petitioner's shop situated in Door No.94, Gandhi Road, Kancheepuram.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.S.K.Rameshwar
standing counsel for R1 to R4

O R D E R

Mr.S.K.Rameshwar, learned standing counsel takes notice for the respondents 1 to 4. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus forbearing the respondents from erecting the transformer in front of the petitioner's shop situated at Door No.94, Gandhi Road, Kancheepuram.

3. Heard both sides.

4. The petitioner is running a Aavin Milk Parlour in the above said premises. The grievance of the petitioner is that the respondents, under the guise of erecting the transformer in front of his shop, are preventing the petitioner to have his business with easy access by the public. Therefore, the petitioner seeks for a prohibitory order against the respondents, not to erect the said transformer in the proposed location.

5. Today, the fourth respondent is personally present before this Court.

6. The standing counsel for the respondents, based on instructions, submitted that the apprehension of the petitioner is not well founded on two reasons, as follows:

Firstly, the very transformer is located 6 feet away from the petitioner's shop. In any event it is not going to obstruct the petitioner's shop in any manner. Secondly, the transformer will be located in a height more than 12 feet from the floor and therefore, no public will be affected in any manner. Therefore, the learned counsel submitted that the petitioner cannot have any grievance.

7. Mr.C.Prakasam, learned counsel for the petitioner submitted that if the respondents are going to erect the transformer more than 12 feet height from the floor, there will not be any grievance for the petitioner.

8. Considering the above stated facts and circumstances and the submissions made by the learned counsels on either side and

also in view of the fact that the proposed transformer is not going to cause any hindrance to the petitioner's shop in any manner, as I could see from the very photographs produced by the learned counsel for the petitioner, this writ petition is disposed of, by recording the above said undertaking given by the learned standing counsel for the respondents. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Chairman
Tamil Nadu Electricity Board
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Anna Salai, Chennai-600 002.
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Tamil Nadu Electricity Board
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Distribution Corporation Ltd.,
Tamil Nadu Electricity Board
Railway Road, Kancheepuram,
Kancheepuram District.

+1cc to Mr.C.Prakash Advocate SR.No.10811

+1c to Mr.S.K.Rameshuwar Advocate SR.No.10556

W.P.No.2940 of 2018

VS 28.02.2018