

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2018

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.17506 of 2010

and

MP.No.1 of 2010

M/s.P.A.K.Palanisamy primary School
Rep. By its Secretary S.Vairamani
16, Grace Garden Main Street,
Royapuram, Chennai - 600 013.
... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
Mount road, Chennai - 600 002.
2. The Assistant Executive Engineer,
The Tamil Nadu Electricity Board,
Royapuram, Chennai - 600 013. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to remove the electric transformer erected in front of the petitioner school at No.16, Grace Garden main Street, Royapuram, Chennai - 600 013.

For Petitioner : Mr.L.Murali Krishnan

For R1 & R2 : Mr.P.R.Dilipkumar

O R D E R

The prayer made in this writ petition is to issue a writ of Mandamus, directing the respondents to remove the electric transformer erected in front of the petitioner school at No.16, Grace Garden main Street, Royapuram, Chennai - 600 013.

2.The case of the petitioner is that the petitioner is a primary school with classes from Pre-KG to Vth Standard and is running in Grace Garden Main Road, Royapuram, Chennai. Between 31.07.2010 and 02.08.2010, despite the objections raised by the petitioner, the officials of the second respondent laid two electrical pillars in front of the school premises and erected transformer, which, according to the petitioner, would endanger

the lives of the school children as well as the teachers. Hence, the petitioner made separate representations to the first respondent Board as well as the police authorities, which were not considered by the respective authorities. Hence, this writ petition.

3. Upon notice, the second respondent filed a detailed counter affidavit, inter alia stating that after getting oral acceptance from the petitioner school authorities, the estimate has been prepared for erecting a new transformer and sanction was accorded by the respondent Board; on 28.7.2010, poles were transported to the work site for the erection of new transformer; and on 31.07.2010, after giving reply to the written objection submitted by the petitioner, the sanctioned work was started and completed on 31.07.2010. According to the second respondent, the entire structure of the transformer is erected away from the wall of the petitioner school and it is not possible to touch the same from the first floor or second floor of the petitioner school building, since it is 3 ½ feet away from the building. More over, the transformer has been erected at the same place, where the existing two pillar boxes are available. Further, the above project is of vital importance to cater uninterrupted electricity power supply to the local residents and objecting the same by the petitioner school is not proper.

4. On 18.06.2018, when the matter was taken up for consideration, the learned counsel for the petitioner stoutly denied the averments made in the counter affidavit filed by the second respondent and filed a rejoinder, stating that there was no such assent/approval given by any person, including the trustees of the petitioner School. According to the learned counsel, as of now, there are four pillars laid in front of the school premises and the transformer has been erected in such a manner, which can easily be touched from the windows of the school and that, the respondents, being Government authorities, ought to have taken into consideration the safety aspects before taking any steps. Thus, the learned counsel prayed for removal of four pillars laid in front of the school premises.

5. Today, when the matter came up for hearing, the learned Standing Counsel for the respondents, on instructions, submitted that at the request of the petitioner school, three pillars were already removed by the respondent Board. As far as the removal of remaining one pillar is concerned, the learned Standing Counsel sought time from this Court.

6. Recording the submission so made by the learned Standing Counsel for the respondents, this Court disposes of this writ petition with a direction to the respondents to remove the

remaining pillar laid in front of the school premises within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

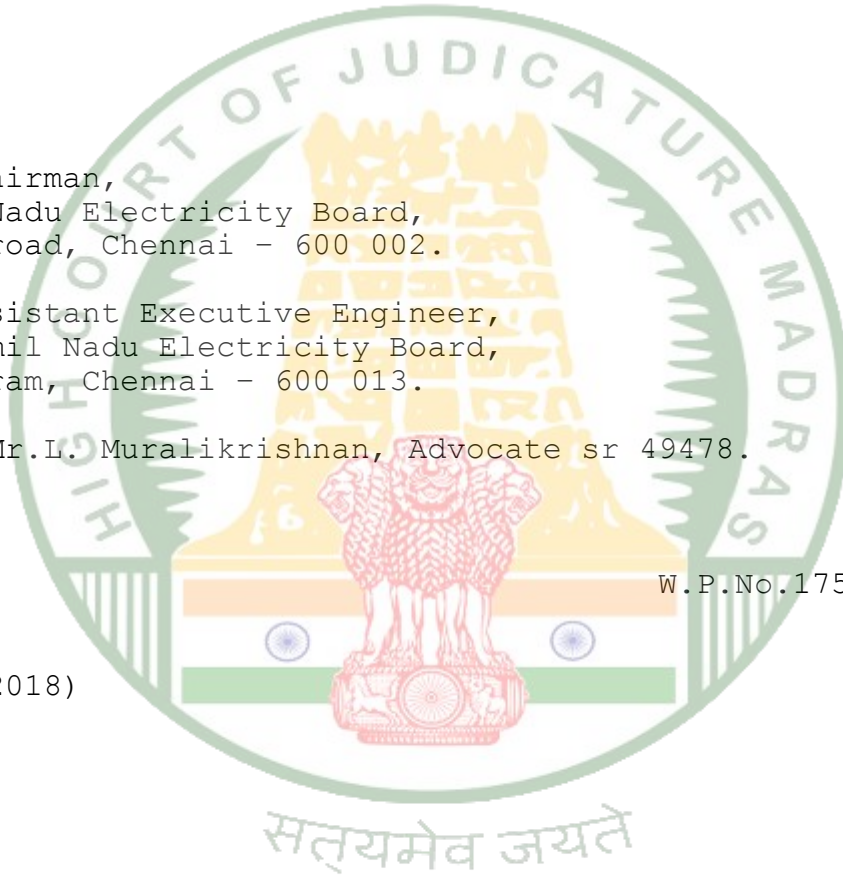
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Tamil Nadu Electricity Board,
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2. The Assistant Executive Engineer,
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+1 CC to Mr.L. Muralikrishnan, Advocate sr 49478.

W.P.No.17506 of 2010

RJ (CO)
SP (04/09/2018)



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