



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P (MD) No.6459 of 2014
and
M.P.No.1 of 2014

K.M.Parasuraman

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
K.R.R. Maligai,
800, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Vallam Road,
Thanjavur.

3.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Rajan Thottam,
Thiruvidaimarudhur Road,
Kumbakonam,
Thanjavur District.

4.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO) ,
Kumbakonam North Division,
Melacauvery, Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from operating the Electric Transformer erected in front of the petitioner's shop and to shift the same to some other place.

For Petitioner

: Mr.S.Rajaprabu

For Respondents

: Mr.Venkateshwar for
Mr.S.M.S.Johnny Basha

ORDER

This Writ petition has been filed forbearing the respondent to operate the transformer erected in front of the petitioner's shop.

2. According to the petitioner, he is a retail licensee for selling Fire Crackers. Now, the fourth respondent herein trying to erect transformer in front of his shop. Under the Explosive Substances Act, 1884, the fire crackers shop should not be located within 25 metres, from the transformer. Since the fourth respondent tried to erect transformer within the prohibited limit, the petitioner has filed this writ petition.

3. The respondent has filed a counter stating that the petitioner is only running a cracker shop and not storing any explosive substance. The transformer is situated 45 feet away from the shop on the other side of the road and is no way affected the petitioner premises and renewal of his license. Apart from that, the transformer has already been erected on 17.04.2014 and functioning from that date.

4. This Court has considered the rival submissions made on either side and perused the materials available on record.

5. The learned counsel appearing for the petitioner submitted that he is only having a retailer licence to run the fire crackers shop, and the rule does not prohibit erection of transformer within 25 metres and the transformer is erected far away from the petitioner's premises. Apart from that the transformer has already been erected in the year 2014 itself and functioning from that date. In the above circumstances, the relief sought for by the petitioner cannot be granted.

6. Hence, this Writ petition is dismissed. Consequently, M.P.No.1 of 2014 is also closed.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar

To

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ORDER MADE IN
W.P (MD) No.6459 of 2014
and
M.P.No.1 of 2014
08.01.2018

kmi/pnn
JM/SKN RSK/SAR 2/30.01.2018/3P/5C