



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 12.11.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.19039 of 2018

Mathavi

..Petitioner

Vs

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
K.R.R.Maalgai,
800, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Vallam Road,
Thanjavur.

3.The Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Palayam, Pattukkottai,
Thanjavur District - 614 601.

4.The Assistant Engineer(O&M),
Tamil Nadu Generation and
Distribution Corporation Limited,
Thiruchitrambalam,
Pattukkottai Taluk,
Thanjavur District - 614 628.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to shift the Electricity Transformer No.1, Seruvaviduthi South Village, Pattukkottai Taluk, Thanjavur District from S.No.82/1A of the said village to a suitable place considering the Petitioner's representation, dated 4.8.2018.

For Petitioner : Mr.K.G.Arunkumar

For Respondents : Mrs.M.Rajeswari

for Mr.S.M.S.Johnny Basha
Standing Counsel for TNEB

**ORDER**

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondents to shift the Electricity Transformer No.1, Seruvaviduthi South Village, Pattukkottai Taluk, Thanjavur District from S.No.82/1A of the said village to a suitable place considering the Petitioner's representation, dated 4.8.2018.

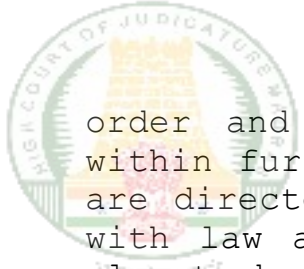
2.The Petitioner's case is that he has purchased an extent of 0.08.5 hectares of land in S.No.82/1B in the above said village by way of registered sale deed, dated 4.7.2016 and the said land was settled in favour of the petitioner in S.No.82/1A. Hence both the lands are in one block. An electricity transformer has been erected in S.No.82/1A, measuring 0.07.0 hectares. There was no consent given by the family of the Petitioner for erecting the said transformer. Now they have put up construction in S.No.82/1A and they are residing in the said house bearing D.No.3/100-1, which is situated in S.No.82/1B. The existing transformer is occupying approximately seven cents of the land and hence, they are not able to use the said land for parking car and tractor, in that area. If the existing transformer is shifted on the west side in the Tamil Nadu Forest Planation Corporation Limited land, it will be convenient and sufficient for the Petitioner and he is ready to bear the costs of the said shifting of the transformer. Hence the Petitioner has approached this Court to pass suitable orders in the representation submitted by the Petitioner on 4.8.2018.

3.The learned Standing counsel appearing for the respondents/Tamil Nadu Electricity Board would submit that as per Section 6 of the Tamil Nadu Electricity Supply Code, 2004, '*the cost of shifting service/line shall be borne by the consumer. The consumer shall pay the estimated cost of shifting in advance in full. The shifting work will be taken up only after the payment is made.*

The estimate will cover the following:

- (i)Charges for dismantling at the old site.
- (ii)Charges for transport from the old site to the new site.
- (iii)Charges for erection at the new site.
- (iv)Depreciation on retrievable old materials, if any, not reused at the site.
- (v)cost of new materials, if required(including transport)
- (vi)cost of irretrievable materials.
- (vii)Overhead charges.'

4.Based on the above submission, this Court directs the Petitioner to approach the authorities concerned and the respondents are directed to consider the representation of the Petitioner dated 4.8.2018 and pass necessary orders within a period of four weeks from the date of receipt of a copy of this



order and the shifting of the said transformer is to be done within further period of four weeks from thereon. The respondents are directed to consider the case of the Petitioner in accordance with law and objection if any raised by any other person has also to be looked into and pass suitable orders accordingly.

5. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar (CS-I)

To

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W.P (MD) No. 19039 of 2018
12.11.2018

VSN