

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15751 of 2011

And

M.P.No.1 of 2011

V.A.Nalini

... Petitioner

Vs.

1.The Chairman,
Tamilnadu Electricity Board,
Chennai 600 002.

2.The Assistant Engineer,
Tamilnadu Electricity Board,
Sakthivel Nagar, Kolathur,
Chennai 600 099.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to remove the pillars erected in front of the petitioner's plot at Plot No.115 part, Thirumalai Nagar, Chennai 600 099 for the purpose of installing the transformer, obstructing the ingress and egress to the plot.

For Petitioner : Mr.T.Sundar Rajan

For Respondents : Mr.P.R.Dilip Kumar

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to remove the pillars erected in front of the petitioner's plot at Plot No.115 part, Thirumalai Nagar, Chennai 600 099 for the purpose of installing the transformer, obstructing the ingress and egress to the plot.

2.The case of the petitioner is that he is the owner of the property at Plot No.115 part measuring 1270 sq.ft., at Tirumalai Nagar, Chennai, comprised in S.No.1388/1E part, Old S.No.1388, 1389 and 1392/3A and 3B of Madhavaram Village, Tiruvallur District, Ambattur Taluk, having purchased the same from Mrs.G.Gunavathy by way of a Sale Deed dated 03.03.1999 registered as Doc.No.1318 of 1999 on the file of the S.R.O.Sembium. After purchase, the petitioner is in possession and enjoyment of the property.

3.It is the further case of the petitioner that while being so, on 28.06.2011, the second respondent started erecting a transformer right in front of his plot and fixed pillars for the transformer in such a manner obstructing the ingress and egress to the petitioner's plot. Immediately thereafter, the petitioner objected to the same and handed over a letter dated 28.06.2011 to the second respondent requesting them to stop erecting the transformer and to remove the pillars which were being fixed there. A copy of the objection was also handed over to the first respondent on 29.06.2011. However, the respondents continued the work. Aggrieved by the same, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that it would suffice that if this Court issues a direction to the respondents to consider the petitioner's objection dated 28.06.2011 and to shift the pillars which were being fixed in the petitioner's premises to another place.

5.The learned counsel appearing for the respondent Board would submit that during the pendency of this writ petition, in the absence of any interim order, the transformer was erected and started commissioning. However, if the petitioner's objection is forwarded to the respondent Board, the respondent Board will consider the matter and pass appropriate orders in accordance with law.

6.Considering the facts and circumstances of the case and since the transformer was erected and was already commissioned during the pendency of the writ petition, I am not inclined to issue any positive direction in favour of the petitioner. However, I am inclined to issue a direction to the respondents to consider the petitioner's objection dated 28.06.2011, within a period of eight weeks from the date of receipt of a copy of this order. For ready reference, the petitioner is directed to send a copy of the objection dated 28.06.2011, along with a copy of this order, to the second respondent, so as to enable the second respondent to pass appropriate orders.

7.The writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1.The Chairman,
Tamilnadu Electricity Board,
Chennai 600 002.

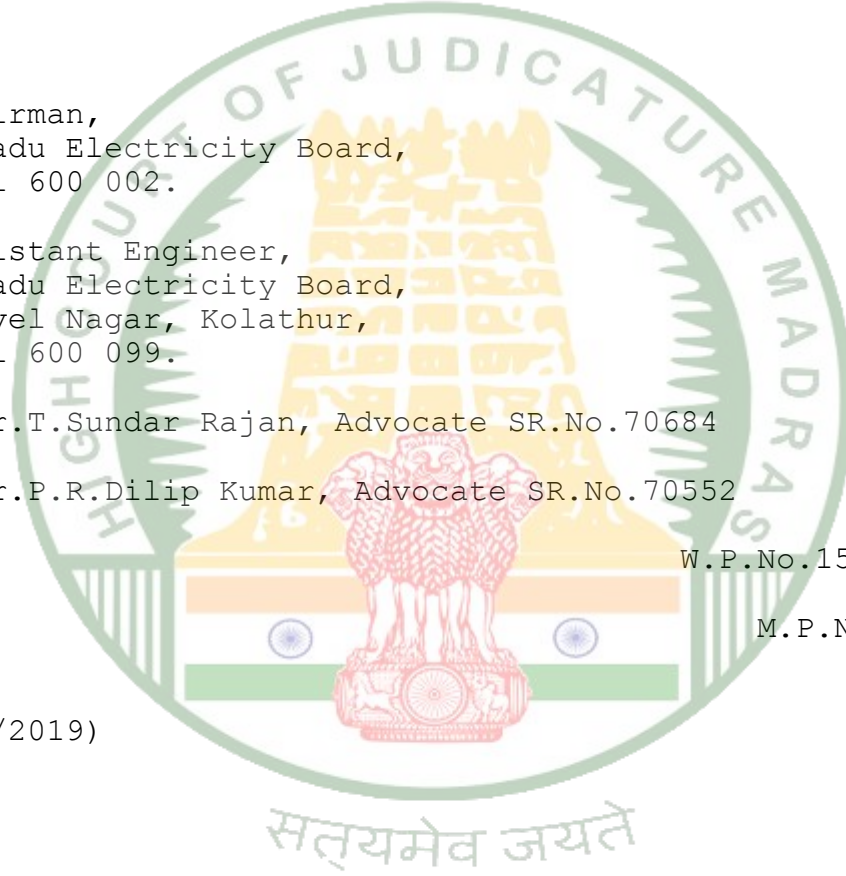
2.The Assistant Engineer,
Tamilnadu Electricity Board,
Sakthivel Nagar, Kolathur,
Chennai 600 099.

+1cc to Mr.T.Sundar Rajan, Advocate SR.No.70684

+1cc to Mr.P.R.Dilip Kumar, Advocate SR.No.70552

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CP (CO)
GMY (12/09/2019)



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