

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.24756 of 2018

and

WMP.No. 28779 of 2018

A.Suresh Kumar

.. Petitioner

-vs-

1. The Executive Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Gandhi Nagar, Katpadi Taluk
Vellore District
2. The Assistant Executive Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Gandhi Nagar, Katpadi Taluk
Vellore District
3. The Junior Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Gandhi Nagar, Katpadi Taluk
Vellore District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the respondents from erecting the electric transformer adjoining the petitioner's property situated at No.11-B, Bharathi Nagar, Third Cross Extension, Katpadi Taluk.

For Petitioner:: Mr.M.Sathish Kumar
For Respondents:: Mr.M.Varunkumar
Standing Counsel

ORDER

This writ petition has been filed seeking issuance of a mandamus forbearing the respondents from erecting the electric transformer adjoining the petitioner's property situated at

No.11-B, Bharathi Nagar, Third Cross Extension, Katpadi Taluk.

2. Learned counsel for the petitioner submitted that the petitioner, being the owner of the property situated at No.11-B, Bharathi Nagar, Third Cross Extension, Katpadi Taluk, Vellore on the basis of the purchase made in the year 2003 for a valuable consideration vide a registered sale deed bearing Document No.2673 of 2003 dated 13.6.2003, has been in possession till date. Earlier, the respondents had erected an electrical transformer adjoining the wall of the petitioner's property with heavy voltage. When they erected the transformer on an earlier occasion in a narrow street with ten feet, even a car cannot move freely. Several times spark emanates from the transformer and dust particles also flew into his house and such incidents take place four to five times in a year. There are nearly 20 to 25 school going children residing in his area. The petitioner also made a request for providing three phase electricity connection to his residence. But the respondents failed to provide the same, except the single phase supply stating a reason that the transformer is very near to his residence. Therefore, the petitioner has given number of representations along with other residents who are living in the same street. As no action was taken, he has come to this Court seeking the aforementioned prayer.

3. A detailed counter affidavit has been filed by the respondents. The learned standing counsel for the respondents submitted that the request of the petitioner through the representation dated 16.9.2018 not to erect the electric transformer adjoining to his house is not correct, as only the damaged transformer was removed on 10.9.2018. Even an estimate for erection of the damaged structure pole of the transformer was made on 9.5.2018 and the estimate was sanctioned, as a result, the work order was issued on 17.6.2018 and the erection of the transformer pole was completed on 21.9.2018. Therefore, when the transformer was erected after analysing the entire aspect in the present place 30 years ago, the petitioner constructed his residence only three years back. Previously it was lying vacant. Even after constructing the house, the clearance between the house and the live parks of the transformer is more than four feet and the conditions mentioned in Rule 64 of the Indian Electricity Rules, 1956 have been complied with.

4. This Court finds merit on the submissions made by the learned standing counsel for the respondents. When the earlier transformer was in a damaged condition, the same was removed on 10.9.2018. After getting the sanction of estimate for erection of the damaged structure pole on 9.5.2018, the work order was also issued on 17.6.2018 and the transformer pole was erected on

21.9.2018. Besides, the counter affidavit also speaks that the transformer was erected 30 years ago, whereas the petitioner's residence was constructed only three years ago. Therefore, the petitioner should have constructed his house in such a way without inviting any risk/problem from the nearby transformer. Hence, this Court finds no merit in the writ petition. Accordingly, the writ petition stands dismissed. Consequently, W.M.P.No.28779 of 2018 is also dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Gandhi Nagar, Katpadi Taluk
Vellore District
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+1cc to Mr. M.Varun Kumar, Advocate, S.R.No. 34200

W.P.No.24756 of 2018

SKV(CO)
GN(22/05/2019)