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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.05.2019

Coram

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

Writ Petition (MD)No.11524 of 2019

and

W.M.P. (MD) .No.8795 of 2019

R.C.St.Cecilla's Middle School,
R.C Street, Manamadurai,
Sivagangai District,
rep. by its Correspondent,
Sr.J.Josephine Chitra.

. . . Petitioner

-Vs-

- 1.The District Collector,
Collectorate,
Sivagangai.
- 2.The Superintendent Engineer,
TANGEDCO
Sivagangai.
- 3.The Executive Engineer,
TANGEDCO
Sivagangai.
- 4.The Assistant Engineer,
TANGEDCO
Sivagangai.

. . . Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the respondents 2 to 4 to consider the petitioner's representation dated 30.04.2019 and consequently direct the respondents to shift the newly erected Transformer near the Petitioner's School entrance to any other suitable place.

For petitioner

: Mr.C.Muthusaravanan

For respondents

: Mr.V.Anand

Government Advocate for R-1

Mrs.Rajeshwari for
M/s.S.M.S.Johny Basha
for RR-2 to 4

**ORDER**

The petitioner filed this writ petition for issuance of Writ of mandamus to direct the respondents 2 to 4 to consider his representation dated 30.04.2019 and consequently direct the respondents to shift the newly erected transformer near the petitioner's School entrance to any other suitable place.

2.The petitioner school is a minority Aided Middle School. The petitioner school was accorded with permanent recognition by the Educational authorities. At present, there are 561 boys and 514 girl students, totalling to 1075 pupils are studying in the school. On an earlier occasion, the Electricity Board erected 2 poles in order to erect the transformer nearby the petitioner's school. Aggrieved by the same, the petitioner had already filed a writ petition in W.P.(MD).No.13709 of 2018 for issuance of Writ of Mandamus directing the respondents to consider the representations of the petitioner, dated 15.06.2018 and 21.06.2018 and consequently direct the respondents 2 to 4 not to shift or erect any new transformers nearby or adjacent to the school buildings of the petitioners, considering the safety aspects of the students and others.

3.When the above writ petition is pending before this Court, the Electricity Board authorities erected the transformer in the very same location. Hence, the petitioner filed the present writ petition to direct the respondents to shift the newly erected transformer near the petitioner's School entrance to any other suitable place.

4.The learned counsel for the petitioner would submit that the students are parking their two wheelers nearby the transformer. If the transformer is allowed to erect in the particular place, it would endanger to the students as well as the teachers. Hence, he prayed that this Court may find out a suitable place for erecting the transformer.

5.Per contra, the learned Standing Counsel appearing for the Electricity Board would submit that the place in which the transformer is erected is not adjacent to the school and it will not cause hindrance to the ingress and egress of the students. If the petitioner school raises an objection that erection of transformer is illegal, except this place, no other place is available to erect the transformer.

6.Considering the above facts and circumstances of the case and the submissions made on either side, this Court is of the view that the transformer is already erected. While similar writ petition is pending, the respondent Electricity Board was the competent authority to erect the transformer to provide electricity service to general public in and around the place. This Court cannot interfere with the same. However, it is open to the petitioner to work out his remedy in the earlier writ petition.



7. With the above observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar (CS)

VS

To

1. The District Collector,
Collectorate,
Sivagangai.

+1CC TO MR.S.ROZARIO SUNDARA RAJ, Advocate Sr. No.65736

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.65589

W.P. (md) .No.11524 of 2019

08.05.2019

MT (CO)

TR (23.05.2019) 3P 4C