



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.5636 of 2019

and

W.M.P. (MD).No.4461 of 2019

S.G.S.Memorial Public Matriculation and
Higher Secondary School,
Represented by its Principal,
P.Salomon,
S/o.Ponnumuthu,
Karumavilai,
Karungal Post,
Kanyakumari District.

... Petitioner

Vs

1.The Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation, (TANGEDCO),
Kanyakumari Electricity Distribution Circle,
Parvathipuram, Nagercoil,
Kanyakumari District.

2.The Assistant Engineer, (Distribution),
Tamil Nadu Generation and Distribution
Corporation, (TANGEDCO),
Kumarapuram, Aralvaizmozhi Post,
Kanyakumari District.

3.The Junior Engineer, (Distribution)
Tamil Nadu Generation and
Distribution Corporation, (TANGEDCO),
Karungal,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus by forbearing the respondents from installing the High Tension Transformer in the road margin opposite to the petitioner school situated in Poovansanthi Road, Karumavilai, Karungal Post, Kanyakumari District.

For Petitioner

: Mr.R.J.Karthick

For Respondents

:Mr.AU.Ramanathan
Standing Counsel

ORDER

Heard the learned counsel on either side. By consent of both parties this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner wants this Court to restrain the respondent from installing the High Tension Transformer in the petition



mentioned site.

3. I am of the view that the petitioner can very well file a suit for injunction for the very same relief.

4. The learned standing counsel for the respondents stated that the suit is very much maintainable and it can be contested on merits. On this case factual aspects are involved. Therefore, the writ petition stands dismissed and liberty is given to the writ petitioner to file an injunction suit. It is made clear that the respondents shall not erect the subject transformer in the writ petition mentioned site till 19.03.2019. No costs. Consequently, the connected W.M.P. (MD). No. 4461 of 2019 is also dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

+1cc to Mr. R. J. Karthick, Advocate, SR.No. 53011

W.P. (MD) No. 5636 of 2019

and

W.M.P. (MD) .No. 4461 of 2019

VSG

KK/SAR/12.04.2019/ 2P- 2C