



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD)No.23169 of 2019

Tamilnadu Maha Sourashtra Sabha
Rep. by R.K.Baskar,
Managing Trustee,
No.27C, Narasingapuram 2nd Street,
Kamaraj Salai,
Madurai - 625 009.

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Madurai EDC, TANGEDCO (formerly TNEB),
K.Pudur,
Madurai - 625 007.

3.The Assistant Engineer,
Metro Circle, TANGEDCO,
Anuppanadi,
Madurai - 625 009.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to instruct the 2nd and 3rd respondents to remove the High Power Electric Line and Posts which are passing in the middle of the Sourashtra Girls Higher Secondary school, Anuppanadi Main Road, Madurai then only thousands of students soul will be saved by considering the petitioner's representation dated 21.10.2019.

For Petitioner
For R-1

: Mr.R.Kannan
: Mr.S.Angappan,
Government Advocate

For R-2 & R-3

: Mrs.S.Srimathy, for
Mr.S.M.S.Johny Basha



ORDER

[Order of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Kannan, learned counsel for the petitioner, Mr.S.Angappan, learned Government Advocate for the first respondent and Mrs.S.Srimathy for Mr.S.M.S.Johny Basha, learned standing counsel for the respondents 2 and 3.

2. The petitioner Association has come forward with this writ petition designed as a Public Interest Litigation focussing a very important and sensitive issue namely opposing a High Tension Electric Line erected in the centre of a School. The school has got nearly two thousand students studying.

3. The learned standing counsel appearing for the Electricity Board on instructions submitted that if a representation is given, the authorities will take action because the said High Tension Electric Line has been in existence for several years.

4. Since already a representation has been given by the petitioner Association, we issue a direction to the respondents 2 and 3 to consider the representation made by the petitioner, dated 21.10.2019 and take all effective steps so that the High Tension Electric Line does not pass through the middle of the school compound and in case of any untoward incident, it is the young children, who will be the first victim, which should not occur. Though the said High Tension Electric Line has been in existence for several years, it is high time for the Board to take appropriate action in this regard. Further, the cost of shifting the Electric Line etc., shall be borne by the Board and cannot be fastened on the Institution.

5. At this juncture, the learned standing counsel appearing for the Electricity Board strenuously contended that this Court should issue direction to the petitioner Association to bear the cost of shifting.

6. However, we are not inclined to do so and we maintain the direction issued by us earlier because shifting of power line from the centre of the school compound is to be done in public interest and therefore, costs should be borne by the Electricity Board.

7. The above said exercise shall be completed by the respondents 2 and 3, within a period of six months from the date of receipt of a copy of this order.



With the above direction, the writ petition is disposed of.
No Costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar(CS)

pm

To

The District Collector,
Madurai District,
Madurai.

+1 CC to M/s.S.M.S.JOHNNY BASHA, Advocate SR-96426.

+1 CC to M/s.R.KANNAN, Advocate SR-96549.

ORDER MADE IN
W.P (MD) No.23169 of 2019
06.11.2019

CS (19.11.2019) 3P 4C