

THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :18.08.2020
CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10291 of 2020

V.S.Mani
S/o.Late Veerabathran

..Petitioner

vs

- 1.The Chairman,
Tamil Nadu Generation & Distribution Corporation Ltd.,
144, Annasalai,
Chennai 600 002.
- 2.The Superintending Engineer,
SS Complex,
Anna main Road, K.K.Nagar,
Chennai 600 078.
- 3.The Executive Engineer,
SS Complex,
Anna Main Road,
K.K.Nagar, Chennai 600 078.
- 4.The Assistant Executive Engineer,
SS Complex, Anna Main Road,
K.K.Nagar, Chennai 600 078.
- 5.The Assistant Engineer,
(Operation & Maintenance)
TNEB, Chennai Electricity
Distribution Taluk/South,
No.1, Subramaniam Street,
Nerkundram Pathai,
Vadapalani, Chennai 600 026.

..Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of
Certiorarified Mandamus, to call for the records to the

proceedings in Ka.No.2 Po/E & Pa/Alagiri Nagar/ Aa no.155/19 dated 30.07.2019 on the file of the 5th respondent and quash the same as illegal, incompetent and ultravires and consequently direct the respondents to shift the transformer away from the residential area.

For Petitioner : Mr.L.Saradh Kumar
For Respondents : Mr.E.Balamurugan
Special Government Pleader
Mr.P.Gunaraj
standing counsel for TANGEDCO

O R D E R

This Writ Petition has been filed challenging the proceedings of the 5th respondent dated 30.07.2019 wherein, the 5th respondent has refused to accept the request made by the petitioner for shifting of Transformer.

2. The case of the petitioner is that there was a Transformer, that is in existence for long number of years. The road level has increased over a period of time and as a result of the same, the Transformer had now come almost near the front door of the petitioner. According to the petitioner, on many occasions, there was also a short circuit and the present location of the Transformer will be a constant threat to the residents of that locality. Therefore, the petitioner gave a representation to the respondents, requesting them to remove the existing Transformer and replace it with a new Transformer in an alternative place, thereby enabling residents of the flats from enjoying free ingress and egress and it will also not cause threat to their life.

3. The representation made by the petitioner was rejected by the 5th respondent by letter dated 30.07.2019 on the ground that it is not feasible to shift the Transformer from the present location.

4. The 4th respondent has filed the counter affidavit in this case. It has been stated in the counter affidavit

that the front entrance portion of the house belonging to the petitioner is facing Ethiraj Street and the Transformer is located at the rear entrance from Tamilar Veedhi. That apart, a specific stand has been taken at paragraph no.7 of the counter affidavit and for proper appreciation, the same is extracted hereunder:

'7. I further state that in any event if the writ petitioner want to shift the Transformer considering his inconvenience and safety he has to identify an alternative unobjectionable place to the TANGEDCO to shift and erect to the transformer by them and also shall meet out the expenses for the dismantling, shifting and erection charges at the cost of the writ petitioner so as to shift the transformer to some other place.'

5. The learned counsel appearing for the petitioner submitted that there is no dispute with regard to the facts of the present case and the only request made by the petitioner was to shift the transformer to a place which is not objectionable, since the Transformer was causing threat to the residents in the locality.

6. The learned counsel further submitted that the petitioner will inform the respondents regarding the unobjectionable place and the respondents must be directed to fix a reasonable cost for shifting the Transformer.

7. Mr.P.Gunaraj, learned standing counsel (TANGEDCO) appearing on behalf of the respondents submitted that if the alternate place suggested by the petitioner is feasible, the same will be taken into consideration for shifting the Transformer provided that the petitioner incur the expenses for shifting the Transformer.

8. In view of the specific stand taken by the 4th respondent in the counter affidavit and the stand taken by the petitioner, this Writ Petition is disposed of with a direction to the petitioner to suggest an alternate place to respondents 4 and 5 for shifting the Transformer. If the place suggested by the petitioner is feasible, the

respondents 4 and 5 shall consider the request and in the event of shifting the Transformer, the cost must be incurred by the petitioner. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

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pp co

A.SK(06/10/2020)

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