

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

WP No.11085 of 2020 and WMP No.13506 of 2020

A.Jayaveeran

...Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO,
Operation and Maintenance,
Kamarajar Nagar, Colony,
Udayapatty, Salem - 14.
2. The Executive Engineer,
TANGEDCO, Operation and Maintenance,
Valapady, Salem District.
3. Assistant Executive Engineer,
TANGEDCO, Operation and Maintenance,
Pethanaickenpalayam,
Valapady, Salem District 4,
4. Assistant Engineer, TANGEDCO,
Operation and Maintenance, Karumandurai,
Salem District.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 4th respondent in Ka.No.Vu.Pe/E & Pa/Karumanduari/Ko.Thani/No.085/2020-2021 dated 14.07.2020 and quash the same and issue consequential direction directing the 4th respondent to shift the Electric Transformer from the petitioner patta land to any other alternative place and pass such further or other orders.

For Petitioner : Mr.Karan and Uday

For Respondents : Mr.N.Damodharan
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned proceedings of the 4th respondent dated 14.07.2020 and for a consequential direction to shift the transformer to the alternate site, which has already been identified.

2. The case of the petitioner is that there was an electric transformer which was situated very near to the property of the petitioner and it was posing danger to the petitioner. The petitioner gave a representation to the 3rd respondent on 24.10.2019, seeking to shift the electric transformer to any other place. On scrutinizing the representation made by the petitioner, the 4th respondent granted sanction by proceedings dated 08.01.2020 to shift the transformer to an alternate place that was identified and directed the petitioner to pay a sum of Rs.2,09,420/- (Rupees two lakhs nine thousand four hundred and twenty only) towards the cost of shifting the transformer.

3. The petitioner also paid this amount by way of demand draft on 12.02.2020 in favour of the 1st respondent. The shifting process was started and the post was also erected at Survey No.108 in the corner of the road margin.

4. Thereafter, the petitioner received the impugned letter from the 4th respondent directing the petitioner to identify some other property for erecting the transformer in view of objections raised, failing which, action will be initiated against the petitioner.

5. Heard the learned counsel for the petitioner and Mr.N.Damodaran, learned counsel for the respondents.

6. In the considered view of this Court, the impugned letter issued by the 4th respondent dated 14.07.2020 exhibits glaring illegality. The petitioner was made to pay the entire amount for shifting the transformer and the work was also started by erecting the post in the road margin and thereafter, all of a sudden, the impugned letter has been issued by the 4th respondent. The 4th respondent has gone to the extent of stating that the petitioner must identify some other place, within 15 days, failing which, action will be taken against the petitioner.

7. The impugned letter issued by the 4th respondent suffers from an error apparent on the face of the record. The respondent having identified an alternate place and started the work, ought not to have stopped the work on the ground that some other person is objecting to the same. It is seen from the photographs that the electric post has already been erected in

the road margin without causing disturbance to any property and in fact, in the very same line there is yet another transformer that is available. Therefore, there is absolutely no justification for the 4th respondent to stop the work and again asked the petitioner to identify an alternate site.

8. In view of the above discussion, this Court has no hesitation to interfere with the impugned letter issued by the 4th respondent and accordingly, the same is quashed. The 4th respondent is directed to proceed further with the erection of the transformer in the alternate site already identified and complete the work, within a period of eight weeks from the date of receipt of copy of this order.

9. In the result, this writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer,
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4. Assistant Engineer, TANGEDCO,
Operation and Maintenance, Karumandurai,
Salem District.

+1 cc to M/s.Karan and Uday, Advocate Sr.No. 29206

WP No.11085 of 2020

SSI (CO)

RMP (16/10/2020)