

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No. 1772 of 2021

A.Krishnasamy

...Petitioner

Vs.

1.The Managing Director,
The Tamil Nadu General and
Distribution Corporation Limited., (TANGEDCO)
No.144, 10th Floor, NPKRR Maaligai,
Anna Salai, Chennai - 600 002.

2.The Assistant Engineer,
Operation & Maintenance,
TANGEDCO, Kunjandiyur,
Mettur Dam, Tamil Nadu - 636 402.

3.N.Sivakumar

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of writ of mandamus, directing the 2nd respondent to consider the representation (or) reply of the petitioner dated 30.11.2020. Pursuant to the show cause proceedings of the 2nd respondent dated 20.11.2020 and thereby direct the 2nd respondent to transfer the High Tension Cable Transformer from existing place(center of the land) of the petitioner land to some other place (corner portion of the land) of the very same land, within a stipulated period of time.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.N.Damodharan,
Standing Counsel for R1 & R2
R3 - No Appearance

O R D E R

This writ petition is filed for a mandamus directing the 2nd respondent to consider the petitioner's representation / reply dated 30.11.2020 and for a subsequent direction to the 2nd respondent to transfer the High Tension Cable Transformer from existing place of the petitioner land to some other place of the very same land.

2. The petitioner before this Court however, made an application for transferring the transformer from the existing place and the same is objected by the 3rd respondent. Based on the objections raised by the 3rd respondent, the 2nd respondent', vide communication dated 20.11.2020 directed the petitioner to give explanation with all relevant documents. Pursuant to the communication of the 2nd respondent, the petitioner has also sent a reply on 30.11.2020 along with the decree passed in the civil suit filed by the 3rd respondent. Despite the same, the 2nd respondent has not taken any action and therefore, the petitioner is before this Court.

3. The case of the petitioner is that the civil suit filed by the 3rd respondent was dismissed as exparte and the application filed by the 3rd respondent to set aside the exparte decree is also dismissed by an order dated 15.10.2020 and therefore, as of date, there is no civil proceedings pending between the parties and there is no impediment for the 2nd respondent to transfer the transformer from the existing place.

4. Heard Mr.A.Rajesh Kanna, learned counsel for the petitioner and Mr.N.Damodharan, learned Standing Counsel for the respondents 1 and 2. Considering the limited scope of this writ petition, no notice was ordered to the 3rd respondent.

5. This Court without expressing anything on the merits of the proceeding application, direct the petitioner to submit another representation along with a copy of the decree passed by the Civil Court in O.S.No. 314 of 2007 through registered post within a period of two weeks from the date of receipt of a copy of this order. On such representation, the 2nd respondent is directed to take a decision on the petitioner's representation in accordance with law on its own merits.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kkn

To:

1. The Managing Director,
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Distribution Corporation Limited., (TANGEDCO)
No.144, 10th Floor, NPKRR Maaligai,
Anna Salai, Chennai - 600 002.

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+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.4800

W.P.No. 1772 of 2021

SSV(CO)
KKV/23/02/2021



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