

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.03.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No. 6902 of 2020

Arul Suyambunathan

.. Petitioner

vs.

1. The Chief Engineer,
TANGEDCO, Villupuram.
2. The Superintending Engineer,
TANGEDCO, Villupuram.
3. The Executive Engineer,
TANGEDCO, Villupuram.
4. The Assistant Executive Engineer,
Villupuram Town II,
TANGEDCO, Villupuram.
5. The Assistant Engineer,
Villupuram Town II,
TANGEDCO, Villupuram.
6. The Tahsildar,
Villupuram District.
7. The Chairman,
TANGEDCO, Chennai.

.. Respondents

(R6 impleaded suo motu vide
order dated 22.02.2021 made
in W.P.No.6902 of 2020)

(R7 impleaded suo motu vide
order dated 12.03.2021 made
in W.P.No.6902 of 2020)

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to remove and relocate the transformer installed in front of the petitioner's property in Plot No.23, S.No.58/4 and S.No.66 at Selvaraj Nagar, Poonthottam, Villupuram.

For Petitioner : Mr.N.Suresh
For Respondents : Mr.M.Varun Kumar for R1 to R5
Mr.M.Elumalai,
Addl. Govt. Pleader for R6

ORDER

The petitioner is the owner of the vacant land in Survey Nos.58/4 and 66, Selvaraj Nagar, Poonthottam, Villupuram. In front of the petitioner's property, respondents 1 to 5/TANGEDCO erected a transformer and therefore, the petitioner has filed this writ petition for a mandamus to direct respondents 1 to 5 to remove and relocate the transformer erected in front of the petitioner's property.

2.Mr.N.Suresh, learned counsel for the petitioner has demonstrated through photographs that the width of the land is 30 x 60 feet and the transformer has been erected in front of the petitioner's property, encroaching more than 10 feet out of 20 feet, which the petitioner is using as access to the road from his property, and therefore, the petitioner's access to the property has been totally deprived.

3.Mr.M.Varun Kumar, learned counsel for respondents 1 to 5/TANGEDCO submits that the transformer has been erected only in the panchayat road and not in the petitioner's property. Since the petitioner claimed that he is having only 20 feet for access from the road and this transformer is occupying more than 10 feet, this Court suo motu impleaded the Tahsildar, Villupuram as party and directed the learned Additional Government Pleader representing the newly impleaded respondent to identify whether any Government land is available nearby the petitioner's property for relocating the transformer.

4.Today, Mr.M.Elumalai, learned Additional Government Pleader for the sixth respondent, on instructions, submitted that there is a land nearby the petitioner's property, where the transformer can be shifted.

5.In view of the submission made by the learned Additional Government Pleader that there is an alternative land available nearby the petitioner's property, the respondents are directed to remove and relocate the transformer erected in front of the petitioner's property to the Government land, which is available nearby.

6.This Court could see that several writ petitions are filed by the land owners stating that transformers are erected in the lands abutting their access to their properties. In this case, only after impleading the concerned Tahsildar, it is identified that a Government land is very much available nearby the petitioner's property. The respondent/ Board, without ascertaining the availability of any Government land nearby and without issuing any notice, erecting the transformers, thereby causing inconvenience to the land owners.

7.In view of the above, this Court now suo motu impleads the Chairman, TANGEDCO, Chennai as seventh respondent. The newly impleaded respondent shall issue necessary instructions to the concerned officers to the effect that before erecting transformers, they have to verify any Government land is available for the said purpose and if no suitable alternative land is available, then they must proceed with the erection of transformers, after affording an opportunity to the land owners and without causing any inconvenience to them.

8.With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Chief Engineer,
TANGEDCO, Villupuram.
2. The Superintending Engineer,
TANGEDCO, Villupuram.
3. The Executive Engineer,
TANGEDCO, Villupuram.
4. The Assistant Executive Engineer,
Villupuram Town II,
TANGEDCO, Villupuram.
5. The Assistant Engineer,
Villupuram Town II,
TANGEDCO, Villupuram.

6. The Tahsildar,
Villupuram District.

7. The Chairman,
TANGEDCO, Chennai.

+1cc to Mr.N.Suresh, Advocate, S.R.No.16414.

+1cc to the Government Pleader, S.R.No.16268.

W.P.No. 6902 of 2020

PL (CO)
CSR 01.04.2021



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