

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.19375 of 2020

K.Thirunavukarasu

...Petitioner

Vs.

1. The Chairman Cum Managing Director
Tamil Nadu Electricity Board
NPKRR Maligai
Anna Salai, Chennai-2

2.The Assistant Executive Engineer
Operation & Maintenance/West
Tamil Nadu Electricity Board
Gandhi Nagar, Vellore-6

3.The Junior Engineer
Operation & Maintenance / West
Tamil Nadu Electricity Board
Gandhi Nagar, Vellore-6

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 3rd respondent to return a sum of Rs.2,08,050/- deposited by the petitioner on 15.11.2019 through DD drawn on HDFC Bank, vide 3rd respondent's Receipt No.12579204 dated 16.11.2019 for the purpose of replacement of EB transformer from the petitioner's plot to some other place, within a time frame.

For Petitioner : Mr.V.Parivallal
For Respondents : Mr.Varun Kumar
Standing counsel

O R D E R

(The case has been heard through video conference)

This petition has been filed by the petitioner, seeking a direction, to direct the 3rd respondent to return a sum of Rs.2,08,050/- deposited by the petitioner on 15.11.2019 through DD drawn on HDFC Bank, vide 3rd respondent's Receipt No.12579204

dated 16.11.2019 for the purpose of replacement of EB transformer from the petitioner's plot to some other place, within a time frame stipulated by this Court.

2.The grievance of the petitioner is that the transformer which has been placed by the respondents in his plot has to be shifted and with regard to the same, several representations have been made by the petitioner and the Electricity Department has also directed the petitioner to deposit a sum of Rs.2,08,050/- towards a shifting charges, which has been paid by him on 15.11.2019, despite the same, the respondents have not shifted the transformer. Hence, the petitioner has no other option except to approach this court.

3.Mr.Varun Kumar, the learned standing counsel appearing for the respondents would submit that the adjacent land owners are objecting for shifting the transformer and they have also filed a civil suit in O.S.No.132 of 2019, which is pending before the District Munsif Court, Katpadi. In view of the pendency of the civil suit in O.S.No.132 of 2019, the Electricity Department / respondents are not in a position to shift the transformer from the petitioner's plot.

4.At this juncture, the learned counsel appearing for the petitioner would submit that the respondents shall shift the transformer after the disposal of the civil suit in O.S.No.132 of 2019, however, he would seek for a direction to the 3rd respondent to return the deposited amount of Rs.2,08,050/- for the purpose of replacement of EB transformer.

5.Since the learned counsel for the petitioner is confined his relief for the limited purpose of refund of the deposited amount, which he has already been paid to the 3rd respondent for shifting of transformer, this Court is inclined to allow this petition. However, a direction is issued to the 3rd respondent to refund the deposited amount of Rs.2,08,050/-, which has been collected from the petitioner as shifting charges, within a period of three weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands allowed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kas

To

1. The Chairman Cum Managing Director
Tamil Nadu Electricity Board
NPKRR Maligai
Anna Salai, Chennai-2

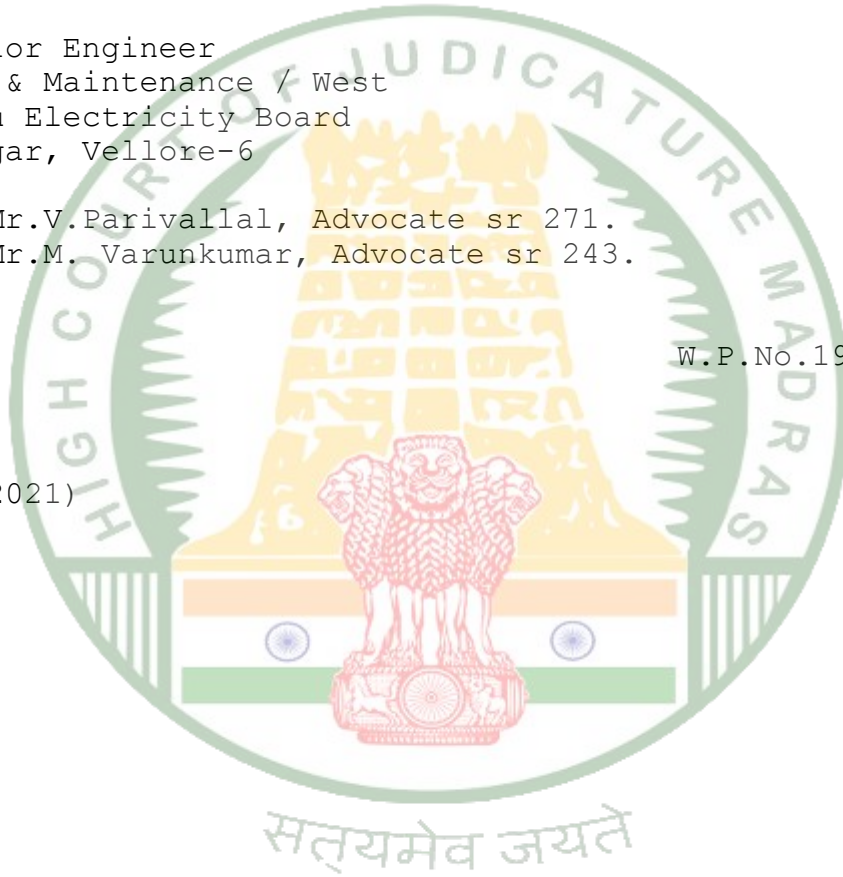
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+1 CC to Mr.V.Parivallal, Advocate sr 271.
+1 CC to Mr.M. Varunkumar, Advocate sr 243.

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PA(CO)
SP(01/02/2021)



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