

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.35825 of 2019
and
WMP.Nos.36724 and 36725 of 2019

1.S.M.Manickam
2.S.M.Kathiresan ... Petitioners
Rep by their power Agent
M.Somasundaram

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Anna Salai, Chennai 600 002.

2.The Assistant Executive Engineer,
TANGECO, Guindy Industrial Estate,
Guindy, Chennai 600 032.

3.The Junior Engineer,
TANGEDCO,
Guindy Industrial Estate,
Guindy, Chennai 600 032.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents their men or agent not to erect pillars or posts to install transformer or from any other instrument either in the petitioners property bearing New Door No.38, Old Door No.24-A, Poonamallee Road, Ekkattuthangal, Chennai 32.

For Petitioner : Mr.S.Udhaya Kumar

For Respondent : Mr.L.Jaivenkatesh
Standing Counsel (TNEB)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents their

men or agent not to erect pillars or posts to install transformer in the petitioners property bearing New Door No.38, Old Door No.24-A, Poonamallee Road, Ekkattuthangal, Chennai 32.

2. The case of the petitioners is that the petitioners are the absolute owners of the property bearing New Door No.38, Old Door No.24-A, Poonamallee Road, Ekkattuthangal, Chennai 600 032. During July 2018, the officials of TANGEDCO have inspected the area of installation of new transformer and decided to install the transformer in the Seven Hills Road adjacent to their residents, however, the petitioners have objected for such installation. Subsequently the authorities have agreed to install the transformer at rear side of petitioners property, for which also they objected as it affects the free ingress and egress of the property. Hence, the 1st petitioner made a representation on 31.07.2018 to the officials of the respondents. Though they assured that the transformer will be installed without any disturbance, the authorities are taking steps to dig the road margin for laying wire and recently, the officials have started preliminary earth work to install the transformer. However, the representations submitted by the petitioners were not considered by the respondents. Aggrieved by the same, the petitioner is before this Court by filing this Writ Petition.

3. The learned counsel appearing for the petitioners submitted that the authorities are duty bound to locate the transformer without any hindrance to the residents and further the representations dated 31.07.2018 and 18.12.2019 submitted by the petitioners have not been considered by the respondents.

4. Though very many grounds have been raised, learned counsel for the petitioners submits that it would suffice if this Court issues direction to the respondents to consider the representation dated 18.12.2019 and pass orders on the same within a particular time frame fixed by this Court.

5. The learned Standing Counsel (TNEB) appearing for the respondents submitted that during the pendency of this Writ Petition, with the absence of any interim order, the respondent Electricity Board has erected the transformer adjacent to the petitioners' land. Hence nothing survives for further adjudication in this petition and prays for dismissal of this petition.

6. Since the transformer has been erected adjacent to the petitioners property, without the consent of the petitioners and

without considering the petitioners' representation for removal of transformer, considering the grievances expressed by the petitioners, this Court issues direction to the respondent Electricity Board to consider the petitioner's application dated 18.12.2019 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

7. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Anna Salai, Chennai 600 002.

2.The Assistant Executive Engineer,,
TANGECO, Guindy Industrial Estate,
Guindy, Chennai 600 032.

3.The Junior Engineer,
TANGEDCO,
Guindy Industrial Estate,
Guindy, Chennai 600 032.

+1cc to Mr.S.Udaya Kumar, Advocate SR.No.68442
+1cc to Mr.L.Jaivenkatesh, Advocate SR.No.68256

W.P.No.35825 of 2019

SSI(CO)
GN(21/01/2022)