



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10935 of 2021

and

W.M.P. (MD) .No.8583 of 2021

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Rahamathulla

...Petitioner

Vs.

1.The Chief Engineer,
Distribution,
TANGEDCO,
Tamil Nadu Electricity Board,
Thuraiyur,
Trichy District.

2.The Assistant Engineer,
Operation & Maintenance,
TANGEDCO,
Tamil Nadu Electricity Board,
Pulivalam,
Trichy District.

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned letter dated 10.06.2021 passed by the second respondent in his proceedings க.எண்:உ.மி.பொ/இ.கா/புலிவலம்/கோ.மனு/அ.எண் .71/21-22, dated 10.06.2021 and quash the same as illegal and in consequently direct the second respondent to shift the transformer poles erected in front of the petitioner's land situated in Survey No.291/1 of Pulivalam Village, Musiri Taluk to any other alternative place.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.S.M.S.Johny Basha
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned letter of the second respondent, dated 10.06.2021 and for a consequential direction to the second respondent to shift the transformer that has been erected in front of the property of the petitioner to any other alternative place.



2. Heard Mr.N.Anandakumar, learned counsel appearing for the petitioner and Mr.S.M.S.Johny Basha, learned Standing counsel appearing for the respondents.

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3. The grievance of the petitioner is that the respondents have independently erected a transformer in front of the property of the petitioner for the benefit of a Company, which is going to start a vermicelli business. According to the petitioner, there is sufficient place near the property of the Company and the transformer should have been erected there or in some other alternative place.

4. A careful reading of the impugned letter of the second respondent shows that the second respondent has given various reasons as to why the request made by the petitioner cannot be acceded. The plea made by the petitioner that there is some alternative place or there is sufficient place to erect the transformer near the property of the Company or that the respondents are acting in favour of the Company and thereby, erecting the transformer in front of the property of the petitioner, are all issues which requires evidence and appreciation of evidence. This Court cannot undertake such exercise while exercising its writ jurisdiction. Therefore, if at all the petitioner is aggrieved by the decision taken by the respondents, it is left open to the petitioner to agitate before a competent Civil Court. Except giving this liberty, this Court does not find any ground to interfere with the impugned letter issued by the respondents.

5. This Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Chief Engineer,
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Trichy District.

2.The Assistant Engineer,
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Tamil Nadu Electricity Board,
Pulivalam, Trichy District.

W.P. (MD) .No.10935 of 2021

Dated:02.07.2021

CM(CO)

RK (13.07.2021) 3P 3C