



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD).No.13318 of 2021

and

W.M.P. (MD).No.10302 of 2021

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S.Sekhar

...Petitioner

Vs

1.The District Collector,
Collectorate,
Tenkasi,
Tenkasi District.

2.The Superintendent Engineer,
TANGEDCO,
Tirunelveli Distribution Circle,
Tirunelveli,
Tirunelveli District.

3.The Assistant Director,
TANGEDCO.,
Alangulam Distribution Circle,
Alangulam Taluk,
Tenkasi District.

4.The Assistant Executive Engineer,
TANGEDCO.,
Adaikalapattinam,
Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 not to install the Transformer and the Electricity Pole just in front of the petitioner's property in Door Nos.8/346, 8/347 and 8/347-1, Navaneetha Krishnapuram, Salaipudur, Alangulam Taluk, Tenkasi District.

For Petitioner	: Mr.S.Louis
For R1	: Mr.R.Baskaran Counsel for State for R1
For R2 to R4	: Ms.M.Rajeswari for Mr.S.M.S.Johnny Basha

ORDER

The petitioner seeks a direction to respondents 2 to 4 to prevent them from installing a transformer and electricity pole in front of the petitioner's property at Door.Nos.8/346, 8/347 and



8/347-1, Navaneetha krishnapuram, Salaipudur, Alangulam Taluk in Tenkasi District.

2. The petitioner states that he resides at the aforementioned address and also carries on business of selling electrical goods therefrom. Originally, there was a gap of about 25 feet between the road margin and the entrance to the petitioner's property. Therefore, at that point of time, the transformer and the electricity pole were located about 25 feet away from the petitioner's property. The petitioner states that he has reliably gathered that the TANGEDCO intends to shift the transformer and the electricity pole almost to the entrance of the petitioner's property. According to the petitioner, if TANGEDCO is permitted to do so, it would cause a threat to the life and property of all the residents and users of the petitioner's property. Therefore, the petitioner submitted a representation to respondents 2 to 4, but inspite of the receipt thereof, it is alleged that the employees of TANGEDCO have commenced preliminary work in connection with the installation of the transformer and the electricity pole.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice for the first respondent and Mrs.M.Rajeswari, learned Standing Counsel for the respondents 2 to 4, accepts notice on their behalf.

4. The decision as to the exact location for the installation of a transformer or electricity pole is a decision to be taken by the TANGEDCO after taking into consideration all the relevant aspects. As such, this Court is not inclined to issue a positive direction to not install the transformer and electricity pole in front of the petitioner's property. Nevertheless, there is some merit in the petitioner's contention that it would be unsafe if such transformer or electricity pole is installed without any gap as between such transformer and the petitioner's property.

5. Accordingly, subject to the aforesaid observations, W.P. (MD).No.13318 of 2021 is disposed of by directing the fourth respondent to consider the petitioner's representation dated 20.07.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and to others who may be affected by any decision taken with regard to the installation of such transformer or electricity pole. Such reasoned order shall be passed within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected W.M.P.(MD).No.10302 of 2021, is closed.

6. Until the petitioner's representation is disposed of, respondents 2 to 4 shall not proceed with the installation of the transformer and electricity pole in front of the petitioner's property. The petitioner is also directed to co-operate with the



ensure that the same is concluded within the period specified.

Sd/-

Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar (CS)

sbn

To

- 1.The District Collector,
Collectorate,
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Tenkasi District.
- 2.The Superintendent Engineer,
TANGEDCO,
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Tirunelveli,
Tirunelveli District.
- 3.The Assistant Director,
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Adaikalapattinam,
Tenkasi District.

+1 CC to M/s.SP1 GP (SR-25176[F] dated 04/08/2021)

+1 CC to M/s.S. LOUIS, Advocate (SR-25115[F] dated 03/08/2021)

W.P. (MD).No.13318 of 2021
03.08.2021

SSS (CO)
KB(10.08.2021) 3P 7C