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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1178 of 2022
and W.M.P.Nos.1249 and 1251 of 2022

1.Subramanian Perumal rep. by his Power Agent Sunitha Perumal
2.Uma Ramanathan rep. By her Power Agent Ramu Kailasam
3.Praveen Gangadhar rep. By his Power Agent Jattin Vasan.P
... Petitioners

Vs.

1.The Executive Engineer,
TANGEDCO O&M Adyar,
110 KV Tidal Park,
S.S.Complex,
Tharamani, Chennai 600 113.

2.The Assistant Engineer,
TANGEDCO, Adyar Division,
Padmanaba Nagar 5th Street,
Adyar, Chennai 600 020.

3.The Executive Engineer,
Zone 13, Greater chennai Corporation,
Adyar, Chennai 600 020.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to install 250 kw transformer at the open space situated at 9th cross street, shastri nagar, Adyar, Chennai 600 020.

For Petitioner : Mr.P.Wesley Isaac

For Respondents : Mr.L.Jai Venkatesh
Standing counsel

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Mandamus to direct the respondents 1 and 2 to install 250 kw transformer at the open space situated at 9th cross street, shastri nagar, Adyar, Chennai 600 020.



2. The case of the petitioners is that the petitioner and other petitioners are the residents of the 'Madan Flat' and they are senior citizens and the said flat was completed in the year 2019 and was duly electrified. The grievance of the petitioners is that the respondents herein are taking steps to install 250 KW transformer in front of the Flat, which is very close to the window of a senior citizens which would cause threat to their life and therefore, a detailed representation dated 07.08.2020 submitted to the respondents 1 and 2, suggesting an alternate site and to install the transformer in the said place and the 2nd respondent vide letter dated 05.11.2020 has agreed to shift the transformer to the alternate site suggested. Though the said favourable order was passed, however till date no action is taken for reasons best known to the respondents. It is further alleged that the builder of the flat without the knowledge submitted forged letter for installing the transformer in front of the flats and therefore, once again, the representation dated 17.12.2020 was given in person for erection of the transformer in the said suggested place and the respondents 1 and 2 wilfully declined to comply and implement the genuine grievance of the petitioners. Aggrieved by the same, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. The learned counsel for the petitioner submits that the respondent Electricity Board should take steps to install the 250 KW transformer in the alternate site suggested, which is approved by the Chennai Corporation and there is no technical hindrance to the said place and though the representation was submitted on 17.12.2020, the respondents 1 and 2 wilfully declined to implement the genuine grievance of the petitioners and further though initially the 2nd respondent favorably considered the letter of the petitioners dated 11.03.2020 of the petitioners and passed the order dated 05.11.2020, whereby it was agreed to shift the transformer to the alternate site suggested, provided the petitioners are required to pay the value amount and further if there is any hindrance to erect transformer in the suggested place, the transformer will be erected in front of the petitioners flat as earmarked earlier, however, till date, the said order has not been complied. It is the case of the petitioner that they are not in a position to pay any value amount as demanded by the 2nd respondent. Therefore, this Court may issue direction to the respondent Electricity Board to erect the transformer in the unobjectionable place and if any amount is to be recovered, the Electricity Board may be directed to collect the same from the Builder and handover the property in favour of the petitioners.



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4. The learned Standing Counsel appearing for the respondent Board submitted that the communication of the 2nd respondent dated 05.11.2020, will be complied in letter and spirit within a reasonable time frame as fixed by this Court.

5. In view of the above facts and circumstances and after considering the submission of the learned counsel for the petitioner, this Court directs the 2nd respondent to consider the petitioners representation dated 17.12.2020 and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order and if any unobjectionable place is available, the respondents are directed to erect the transformer in the said place and further if any amount is to be recovered, the same shall be recovered from the Builders of the said Flat and handover the property in favour of the petitioners and the entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of with the above terms. No costs. Consequently connected miscellaneous petitions are closed.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Executive Engineer,
TANGEDCO O&M Adyar,
110 KV Tidal Park,
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Tharamani,
Chennai 600 113.

2. The Assistant Engineer,
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3.The Executive Engineer,
Zone 13, Greater chennai Corporation,
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+1cc to Mr.P.Wesley Issac, Advocate Sr.5595
+1cc to Mr.L.Jai Venkatesh, Advocate Sr.5780

W.P.No.1178 of 2022

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srg 03/03/2022