



WEB COPY



W.P.No.4797 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.4797 of 2017 and
WMP.No.5031 of 2017

D.Sampath

... Petitioner

Vs.

- 1.The Chairman,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.
- 2.The Chief Engineer,
TANGEDCO,
Chennai North Region,
144, Anna Salai,
Chennai-600 002.
- 3.The Superintending Engineer,
TANGEDCO,
CEDC/West Circle,
Thirumangalam,
Chennai-600 040.
- 4.The Executive Engineer (O&M),
Anna Nagar Division,
TANGEDCO, CEDC West Circle,
V Street off 11th Main Road,
Anna Nagar West, Chennai-600 040.



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5.The Assistant Executive Engineer (O&M),
Arumbakkam, TANGEDCO,
CEDC West Circle, Arumbakkam,
MMDA Colony, Arumbakkam,
Chennai-600 106.

6.The Assistant Engineer (O&M),
Nerkundram East,
CEDC/West Circle, E Road,
Behind Koyembedu Wholesale Market,
Chennai-600 094.

7.Manoj Sultania

8.Kusum Sultana

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 4 to 6 to shift the Distribution Transformer erected abutting the eastern side compound wall of the petitioner's Plot at T.S.No.94, Block No.56 (Opposite to A.R.R.Apartments), Thiruveethiamman Koil Street, Koyembedu, Chennai 600 107, by 150 feet towards north, whereat two new buildings were constructed by Respondents 7 & 8 on plots bearing T.S.No.91/2 & 91/3, Block No.56, Opposite to Door No.26 Thiruveethiamman Koil Street, Koyembedu, where there is sufficient space for erection of the same.

For Petitioner : Mr.R.Selvakumar

For Respondents : Ms.Keerthana Shenoi for (for R1 to R6)
: Mr.L.Jai Venkatesh

Mr.V.Balasubramanian (for R7 & R8)



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ORDER

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The petitioner seeks a mandamus directing R4 to R6, being the officials of TANGEDCO, to shift the distribution transformer erected abutting the easter side compound wall of the petitioners' Plot at T.S.No.94, Block No.56 (Opposite to A.R.R. Apartments) Thiruveethiamman Koil, Street, Chennai 600 107, towards the North, where two buildings have been constructed by R7 & R8 on plot bearing T.S.No.91/2 & 91/3, Block No.56, opposite to Door No.26, Thiruveethiamman Koil Street, Koyambedu, where he says there is sufficient space for erection of transformer.

2. No counter has been filed in the matter by any of the respondents. However, Ms.Keerthana Shenoj, learned counsel for Mr.L.Jai Venkatesh, learned Standing Counsel for R1 5o R6 circulates written instructions obtained from R5, the Assistant Executive Engineer, to following effect:

'With reference to the above, I am submitting herewith that the Petitioner Thiru D.Sampath S/o Duraisamy No.23, Sunnambu Kalvoy street, Aminjikai, Chennai 600029 states that 1 No, new Distribution transformer structure was erected in front of his vacant plot situated at TS No.94, Block no.56, Thiruveethiamman Koil street. Koyambedu, Chennai to effect new service connection to the house constructed at TS No.91/2 & 91/3, Block no.56, Thiruveethiamman koil street, Koyambedu.

The Distribution Transformer structure was erected under Central Government RAPDRP scheme to improve the infrastructure of TNEB Network in Chennai city and the



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above structure was erected on road side only as like all the transformer structure throughout the State.

I submit that the new service connection was effected from the existing 500KVA Distribution Transformer which is very near to the new building and as the 500 KVA Distribution Transformer was available very near to the new building, there was no need to extend supply by erecting new Transformer in front of petitioner Plot which is 300 meter away from the new building.

The new Distribution Transformer was erected at the said location to improve the LT network in that street. By coincidence both was happened in the same year and not with any motive.

This is for your kind information.'

3. That apart, she would also submit that there has been a response to the legal notice issued by the petitioner on 21.11.2016. The response was sent to the Advocate of the petitioner on 30.11.2016 and hence, the petitioners are well aware of the inability of the official respondents to make shift of transformer as requested.

4. Having heard learned counsel and perused a copy of instruction dated 04.09.2018, which has been supplied to learned counsel for the petitioner now as well, I see no merit in this writ petition. The location of the transformer is to be decided by the authorities in line with the regulations in this regard and bearing in mind the convenience of the general public and consumers.



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5. Undoubtedly, in the present case, the official respondents have communicated reasons for the choice of location of the transformer and no perversity error is noted therein or I thus see no necessity to intervene in this regard. If the petitioner still continues to harbour any grievance as regards the reasoning set out by the authorities in communication dated 04.09.2018, he is at liberty to take action as against the same, in accordance with law.

6. This writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

12.12.2022

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Index : Yes/No

Speaking Order

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