



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.6999 of 2022

WEB COPY

S.Kumar

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Superintending Engineer,
Tamil Nadu Electricity Generation and Distribution Corporation,
Sivagangai District,
Sivagangai.

3.The Assistant Executive Engineer,
Tamil Nadu Electricity Generation and Distribution Corporation,
Kalayarkovil,
Sivagangai District.

4.The Panchayat President,
Keelauchanai Panchayat,
Devakottai Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to remove the High Tension Transformer erected in the petitioner's house property bearing D.No.5/705 comprised in Survey No.72/10 situated at Alanvayal Village, Keelauchanai Panchayat, Devakottai Union, Sivagangai District and to erect the same in an alternative place based on the petitioner's representation dated 21.03.2022.

For Petitioner	: Mr.A.Jayaramachandran
For Respondent No.1	: Mr.M.Lingadurai Special Government Pleader
For Respondents 2&3	: Mr.S.Deenadhayalan Standing Counsel
For Respondent No.4	: Mr.M.Senthil Ayyanar Government Advocate



O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 2 and 3 to remove the High Tension Transformer erected in the petitioner's property bearing D.No.5/705 comprised in Survey No.72/10 situated at Alanvayal Village, Keelauchanai Panchayat, Devakottai Union, Sivagangai District and to erect the same in an alternative place, based on the petitioner's representation dated 21.03.2022.

2. According to the petitioner, he has given a representation on 21.03.2022, to shift the high tension transformer erected in his property to an alternate place. According to him, an alternate place is available. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.A.Jayaramachandran, learned Counsel appearing for the writ petitioner, Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the first respondent, Mr.S.Deenadhayalan, learned Standing Counsel who accepts notice on behalf of the respondents 2 & 3 and Mr.M.Senthil Ayyanar, learned Government Advocate who accepts notice on behalf of the fourth respondent.

4. On instructions, learned Standing Counsel for the respondents 2 and 3 would submit that if the fourth respondent provides an alternate place which is feasible, the second and third respondents are prepared to shift the high tension transformer to the said place. The said statement is recorded.

5. No prejudice would be caused to the respondents if the petitioner's representation as stated supra is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties whom the third respondent deems fit to enquire.

6. Accordingly, this Court directs the third respondent to consider the petitioner's representation dated 21.03.2022, seeking for removal of the high tension transformer erected in the petitioner's house property bearing D.No.5/705 comprised in Survey No.72/10 situated at Alanvayal Village, Keelauchanai Panchayat, Devakottai Union, Sivagangai District and to erect the same in an alternative place and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary party whom the third respondent deems fit to enquire including granting them the right of personal hearing within a period of twelve [12] weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Superintending Engineer,
Tamil Nadu Electricity Generation and Distribution Corporation,
Sivagangai District,
Sivagangai.
3. The Assistant Executive Engineer,
Tamil Nadu Electricity Generation and Distribution Corporation,
Kalayarkovil,
Sivagangai District.
4. The Panchayat President,
Keelauchanai Panchayat,
Devakottai Taluk,
Sivagangai District.

+1 CC to M/s.A. JAYARAMACHANDRAN, Advocate (SR-18659[F] dated 13/04/2022)

+1 CC to M/s.S. DEENADHAYALAN, Advocate (SR-19502[F] dated 19/04/2022)

+1 CC to M/s.SPL.GP (SR-19345[F] dated 19/04/2022)

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MGJ(27.04.2022) 3P 8C