



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 21.12.2021
PRONOUNCED ON : 11.01.2022

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.20089 of 2021
and
W.M.P. (MD)No.16787 of 2021

Amala Rani

... Petitioner

vs.

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
(TANGEDCO),
Parathipuram, Nagercoil,
Kanyakumari District.

2.The Executive Engineer,
Distribution,
Tamil Nadu Electricity Board,
Kuzhithurai, Maruthancode,
Meenachal Post, Kanyakumari District.

3.The Assistant Engineer,
Tamil Nadu Electricity Board,
Puthukottai, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to remove the transformer and A.V.Switch installed in road in front of the petitioner house situated in R.S.No.498/14 and 16 Painkulam Village, Vilavancode Taluk, Kanyakumari District.

For Petitioner :Mr.V.M.Balamohan Thampi

For Respondents :Mrs.M.Rajeswari
for S.M.S. Johnny Basha
Learned Standing Counsel

O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents to remove a Transformer and A.V. Switch said to have been installed in front of the petitioner's house at R.S.Nos.498/14 and 16, Painkulam Village, Vilavancode Taluk, Kanyakumari District.



2.The Writ Petitioner, Amala Rani claims to be the owner of the aforementioned property. She is aggrieved by the installation of a Transformer and A.V. Switch, according to her, in front of her house, inspite of objections raised. She claims that her right to access her house has been infringed. She had given representations on 11.10.2021 and 25.10.2021. Complaining inaction, the Writ Petition has been filed seeking a Mandamus as aforesaid.

3.The respondents have filed a counter claiming that complaints had been received from the residents in the area of low voltage in supply of electricity, necessitating erection of a Transformer replacing a high Tension Pole. It had been stated that the Transformer had been installed in the road side without causing hindrance to the petitioner or to any of the other residents. It had been stated that considering the objection of the petitioner, the Transformer has been relocated to about 8 metres away from the petitioner's land boundary. It had been stated that the Transformer was erected and energized on 29.10.2021 in the presence of the petitioner and with the concurrence of the land owner of the property behind the installation. A rough sketch had also been filed. It was urged that the Writ Petition should be dismissed.

4.Heard arguments advanced by Mr.V.M.Balamohan Thampi, learned Counsel for the Petitioner and Ms.M.Rajeswari, for Mr.S.M.S. Johnny Basha, learned Standing Counsel for the Respondents.

5.The facts are simple and straightforward. The petitioner is the owner of the house at R.S.Nos.498/14 and 16 at Painkulam Village, Vilavancode Taluk, Kanyakumari District. She is aggrieved by the installation of a Transformer and A.V. Switch in front of her house. However, it transpired during arguments that the respondents had considered the objections of the petitioner and had relocated the Transformer to about 8 metres away from the petitioner's land boundary. The rough sketch filed along with the counter affidavit is also indicative of such position, and it is evident that the Transformer is actually not abutting the boundary of the petitioner's house. There is no impediment to access the house of the petitioner.

6.It is also seen that necessity to install a Transformer in the area was to alleviate the complaints of low voltage which had been received by the respondents. The respondents have a duty to address such issue. Public welfare is a priority and the petitioner cannot put spokes on such a welfare step taken by the respondents for the benefit of the residents. Even the petitioner would benefit from the installation of the Transformer. It is also evident that the Transformer had been installed and energized on 29.10.2021, in the presence of the petitioner and with the consent of the other resident in front of whose house it has now been installed. The Writ Petition has been filed after that date.



7.I hold that the Writ Petition is misconceived. The Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

8.The Registry is directed to annex a scanned copy of the Rough Sketch filed along with the counter affidavit with this order.

WEB COPY

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
(TANGEDCO),
Parathipuram, Nagercoil,
Kanyakumari District.

2.The Executive Engineer,
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Kuzhithurai, Maruthancode,
Meenachal Post, Kanyakumari District.

3.The Assistant Engineer,
Tamil Nadu Electricity Board,
Puthukottai, Kanyakumari District.

+1 CC to M/s.V.M.BALAMOHAN THAMBI, Advocate (SR-1573[F] dated
W.P. (MD)No.20089 of 2021
11.01.2022

MGJ(17.02.2022) 3P 5C