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W.P.Nos.1728 and 2605 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.1728 and 2605 of 2020

And

W.M.P.Nos.2000 and 3026 of 2020

Dr.Balakrishnan
Dr.P.Balakrishnan

... Petitioner in W.P.1728/2020
... Petitioner in W.P.2605/2020

Vs.

- 1.The District Collector
Collectorate, Singaravelar Maligai,
Rajaji Salai,
Chennai.
- 2.The Commissioner
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.
- 3.The Managing Director,
Tamil Nadu Electricity Board,
Mount Road,
Chennai.
- 4.The Zonal Officer,
Zone – I, Corporation of Chennai,
Rippon Building, Chennai – 600 003.
- 5.The Assistant Engineer (O & M),
Thiruvotriyur,
Tamil Nadu Electricity Board,
Chennai – 600 019.

... Respondents in W.P.1728/2020



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- 1.The District Collector
Collectorate, Singaravelar Maligai,
Rajaji Salai,
Chennai – 1.
- 2.The Commissioner
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.
- 3.The Managing Director,
TANGEDCO,
Mount Road,
Chennai – 2.
- 4.The Zonal Officer,
Zone – I, Corporation of Chennai,
Rippon Building, Chennai – 600 003.
- 5.The Assistant Engineer (O & M),
Thiruvotriyur,
TANGEDCO,
Chennai – 600 019.
- 6.Thiruvotriyur Podhu Varthaga Sangam
Tirumana Maligai
Rep. by its President.

... Respondents in W.P.2605/2020

Prayer in W.P.No.1728 of 2020:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing 3rd to 5th respondent to remove the electrical pillar and transformer in Periyar Nagar at Thiruvotriyur by considering the petitioner representation dated 06.01.2020 as may be deem fit and proper in the circumstances of the case.



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Prayer in W.P.No.2605 of 2020:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records and to quash the Impugned Order Ka.No.Uu.Po/Yi&Pa/Tiruvotriyur/Ko.Complaint. Petition/A.No.327/2020 dated 22.01.2020 passed by the fifth respondent and consequently directing the 3rd to 5th respondents to remove the installed transformer erecting in front of the petitioner's house situated at 61A, Periyar Nagar, Tiruvotriyur, Chennai.

For Petitioner : M/s.C.Kanagaraj and S.Saranya

For Respondents : Mr.N.Senthil Selvi for R1
Government Advocate
Mr.Mani Bharathi for R2 and R4
Mr.L.Jaivenkatesh for R3 and R5
Mr.P.T.Perumal for R6 in W.P.2605/20

COMMON ORDER

Since the issue involved in these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

2.The case of the petitioner is that on 05.01.2020, the fifth



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respondent erected new transformer in front of the petitioner's house for giving electricity connection to the Thiruvotriyur Podhu Varthaga Sangam Tirumana Maligai and since it would affect the safety of the petitioner's family and nearby residents, the petitioner made representation to the respondents on 06.01.2020 seeking to relocate the electrical transformer and since the same was not considered, the petitioner filed W.P.No.1728 of 2020. Pursuant to the representation made by the petitioner, the respondents passed the order dated 22.01.2020 which is impugned in W.P.No.2605 of 2020. Hence, the very same petitioner filed W.P.No.2605 of 2020.

3.The learned counsel appearing for the petitioner submitted that already there are three electrical transformers erected in the entrance of public place at Periyar Nagar and on the request of the sixth respondent in W.P.No.2605 of 2020, the disputed transformer was erected in a 30 feet width road and it occupies 5 feet and it is very near to the petitioner's house which is of eminent danger to the petitioner as well as the general public and further submitted that if at all the sixth respondent in W.P.No.2605 of 2020 want to enhance the KVA, they have to identify a place on their own and not near the petitioner's house.



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4.The learned counsel appearing for the respondents 3 and 5 submitted that though the disputed transformer has been erected as per the request of the sixth respondent in W.P.No.2605 of 2020, due to the interim order passed by this Court on 24.01.2020 in W.P.No.1728 of 2020 and W.M.P.No.2000 of 2020, the same has not yet been commissioned and further submitted that during the pendency of the writ petitions, the additional demand made by the sixth respondent in W.P.No.2605 of 2020 was fulfilled by drawing line from the already existing transformer. He further submitted that the local residents have made application for additional KVA and hence if the disputed transformer is allowed to be commissioned, it will be useful for general public.

5.The learned counsel appearing for the sixth respondent in W.P.No.2605 of 2020 submitted that the additional demand made by the sixth respondent was fulfilled by drawing line from the already existing transformer and hence, his Court may issue direction to the respondents 3 and 5 to refund the amount already paid by the sixth respondent for additional KVA from the disputed transformer.



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6. Heard the arguments advanced on either side and perused the materials available on record.

7. The facts in the present case is not in dispute. Admittedly, the disputed transformer has been erected on a 30 feet width road and it occupies 5 feet space and it is very near to the petitioner's house and is of great hindrance to the general public. Normally, transformers would be erected in an un-objectionable place and not on the roadside but the disputed transformer has been erected on the roadside, however, it has not yet been commissioned.

8. In view of the above, this Court issue direction to the respondents 3 to 5 to re-locate the disputed transformer to an un-objectionable place for providing electricity to the general public. The respondents 3 and 5 are further directed to consider for refund of the amount already paid by the sixth respondent in W.P.No.2605 of 2020 and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order. The respondents are further directed to consider the request of the sixth respondent in W.P.No.2605 of 2020 and the general public for enhancement of KVA.



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9. These writ petitions are accordingly disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

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M.DHANDAPANI,J.
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