



W.P.No.24079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.24079 of 2023

M.Babu

...Petitioner

-Vs-

1.The Junior Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Generation
& Distribution Corporation Ltd.,
Gopinathampatti,
Paraiyapatti Pudhur Post,
Pappireddipatti Taluk,
Dharmapuri District.

2.The Superintending Engineer,
Tamil Nadu Electricity Generation
& Distribution Corporation Ltd,
Dharmapuri,
Dharmapuri District.

3.The Taluk Surveyor,
Dharmapuri District.
(The third respondent is impleaded
Vide order of this Court dated 16.08.2023
in W.P.No.24079 of 2023 by NSSJ)

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India,
to issue a Writ of Certiorarified Mandamus, calling for records relating to
the Impugned Letter No.E.Ni.Po/E.Pa/Gobi.Patti/Ko/A.No.NIL/2020



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dated 13.10.2020 on the file of the 1st Respondent and quash the same and consequently direct the Respondents to remove the Electricity Transformer No.III Poles and Lines without insisting to pay the expenses by the petitioner within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.S.Arokiamaniraj
For Respondents : Ms.Daniel Mary,
Standing Counsel for TNEB
for R1 & R2

Mr.G.Ameedias,
Government Advocate for R3

ORDER

The petitioner submits that the respondent TANGEDCO has installed a transformer, which was originally intended to be installed in Sy.No.55/1B of Jammanahalli Village and he now complains that there was some maintenance work after which the respondent had moved the Transformer to Sy.No.55/2J1, which belongs to the petitioner. The petitioner now requires the same to be removed. When he approached the respondents, the first respondent Vide its proceedings dated 13.10.2020 has informed the petitioner that he might have to incur cost on shifting the transformer.



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2.Ms.Daniel Mary, Standing Counsel for TNEB takes notice for the respondents 1 and 2.

3.There are two parts to this case (1) whether the transformer is in the petitioner's property in Sy.No.55/2J1 and (2) the entitlement of the petitioner to seek its removal within the framework of law, without payment of any cost.

4.This necessarily requires the assistance of a Taluk Surveyor.

5.This Court now *suo motu* impleads the Taluk Surveyor, Dharmapuri District as the third respondent.

6.Mr.G.Ameedias, learned Government Advocate takes notice for the third respondent.

7.The third respondent is now directed to inspect the property and ascertain whether the transformer is in Sy.No.55/2J1 and also to ascertain



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whether the said property belongs to the petitioner. The first respondent is now required to take a fresh call on the same.

8.This Court therefore, is constrained to set aside the impugned order and remands the matter back to the first respondent for fresh consideration in the manner indicated above.

9.The Writ Petition is accordingly disposed of. No costs.

16.08.2023

Index : Yes/No
Internet : Yes/No
Tsg



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WEB COPY **To**

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N.SESHASAYEE, J.,

Tsg

Order made in
W.P.No.24079 of 2023

16.08.2023