



W.P(MD)No.15005 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15005 of 2015
and
M.P.(MD)No.1 of 2015

Indira Jeyaseelan

... Petitioner

Vs.

1.The Assistant Executive Engineer,
TANGEDCO,
Distribution,
Melur,
Tuticorin District.

2.The Superintending Engineer,
TANGEDCO,
Melur,
Tuticorin District.

3.The Executive Engineer,
TANGEDCO,
Melur,
Tuticorin District.

4.The Assistant Engineer,
TANGEDCO,
Melur,
Tuticorin District.

... Respondents



W.P(MD)No.15005 of 2015

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents herein, to remove/shift the Transformer from out of the petitioner patta land in S.No. 95/1, 95/2 and 95/3, Sankaraperi village, Tuticorin, Tuticorin District situated adjacent to Ettayapuram Main Road, without insisting on any charges from the petitioner, within the time frame stipulated by this Court.

(Prayer amended vide Court Order dated 02.03.2023 in WMP(MD). 22641/2022 in WP(MD).15005/2015 by KBJ).

For Petitioner : Mr.G.Mohankumar

For Respondents : Mr.S.Deenadhayalan for R1 to R4

ORDER

Heard both sides.

2. The case of the petitioner is that a huge transformer was erected on her patta land when she was away from India. This had happened some time in the year 1999. An accident involving a lorry took place and the transformer almost caught fire. It was dismantled. But it was once again reinstalled in the year 2015. The petitioner has therefore filed this writ petition for shifting the transformer.

3. The learned standing counsel for TANGEDCO would contest the petitioner's claim that transformer has been located on her patta land. However, in the counter affidavit, such a stand has not been taken.



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4. I therefore dispose of the writ petition in the following terms:-

(I) It is open to the TANGEDCO to cause survey to find out if the transformer has been located on the petitioner's patta land. Such survey exercise shall be done as per law and after issuing notice to the petitioner.

(II) If it turns out that the transformer is standing on the petitioner's land, then, TANGEDCO has an option to shift the transformer at their own cost and expense or pay compensation to the petitioner.

(III) Compensation will be determined by the District Collector, Thoothukudi. Here again, there is an option. Either the compensation can be paid at the market rate as on date, or if it is valued on the date as in the year 1999, then interest at the rate of 6% per annum will have to be paid therefor. The District Collector will award compensation by taking into account not just the land on which the transformer is standing but also taking into account loss of set back area. This exercise shall be completed within a period of ten weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

29.09.2023

Index : Yes / No
Internet : Yes/ No
rmi



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G.R.SWAMINATHAN, J.

rmi

To

- 1.The Assistant Executive Engineer,
TANGEDCO,
Distribution,
Melur,
Tuticorin District.
- 2.The Superintending Engineer,
TANGEDCO,
Melur,
Tuticorin District.
- 3.The Executive Engineer,
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- 4.The Assistant Engineer,
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