



WP(MD)No.22976 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.11.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.22976 of 2021

and

W.M.P.(MD)No.19468 of 2021

P.Parani

...Petitioner

/Vs./

- 1.The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), Theni,
Theni District.
- 2.The Executive Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), Theni,
Theni District.
- 3.The Assistant Executive Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), Bodinayakkanur,
Theni District.
- 4.The Commissioner,
Bodinayakkanur Municipality,
Bodinayakkanur,
Theni District.

...Respondents



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PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the respondents 1 to 3 to uninstall the 100 k.w. transformer that installed at Kaspamaniyam Street at Old Ward No.8 new Ward No.16 in Bodinayakkanur.

For Petitioner : Mr.M.Balakrishnan

For Respondents : Mr.S.Deenadhayalan (R1 to R3)

Standing Counsel

Mr.A.Kannan (R4)

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents 1 to 3 to remove 100 KW transformer that was installed at Kaspamaniyam street, Bodinayakannur, Theni District, by considering the representation made by the petitioner on 20.12.2021.

2. The grievance of the petitioner is that the road is only about 20 feet and there is already drainage on either side, which occupies nearly two feet at each side and the transformer has now been laid, which occupies another 5 feet and there is only 12 feet available to the residents of this street. In view of the same, a representation was made to the respondents to install the transformer in some other place. Since the same was not considered, the present writ petition has been filed.



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3. The learned Standing counsel appearing on behalf of the respondents 1 to 3 submitted that there was an existing transformer, which became old and dilapidated and hence, under the improvement scheme, permission was granted and the transformer was erected on 20.12.2021. The learned counsel submitted that this transformer is required to ensure that electricity is properly supplied in the locality and that the transformer does not in any way disrupt the vehicular movement in the street. The learned counsel, on showing the photographs before this Court, submitted that there is sufficient space for the vehicles to move around and that the transformer does not in any way cause any disturbance to the residents in this locality.

4. In the considered view of this Court, this Court has a very limited jurisdiction in cases of this nature. The Electricity Department will have to lay the transformer at some place by ensuring that it does not cause any hindrance to the nearby residents. At the same time, there is opposition whenever the transformer is laid in the locality and this dispute seems to be a continuing one. The transformer has already been laid in the street during December, 2021 and it is now operational. The materials that were placed before this Court shows that the transformer has in fact occupied some portion of the street. But however, it has not completely blocked the passage of the street and space is available for



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the movement of the vehicles. In view of the same, the relief as sought for in this writ petition cannot be granted by this Court.

5. It is left open to the residents of the locality to point out any other locality, where no disturbance will be caused, for the transformer to be shifted and if such representation is made, the same will be considered by the official respondents. Ultimately, laying of the transformer should not cause any unnecessary hardship to the persons in the locality and at the same time, shifting of the transformer also should not cause any unnecessary power disruption to the consumers. This is more in the nature of practical difficulty which should be resolved at the level of the officials and the residents. It is too difficult for this Court to issue any positive direction in this regard.

6. This writ petition is disposed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

23.11.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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TO:-

WEB COPY

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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.22976 of 2021

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