



WEB COPY



W.P.No.22218 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22218 of 2021
and W.M.P.No.23435 of 2021

C.Elumalai

...Petitioner

-Vs -

1. The Chief Engineer,
TANGEDCO,
Chennai North Region,
No.144, Annasalai,
Chennai – 600 002.
2. The Superintending Engineer,
TANGEDCO,
Chennai North Region,
No.144, Annasalai,
Chennai – 600 002.
3. The Executive Engineer,
TANGEDCO,
Ramalinger Koil,
Vyasarpadi,
Chennai – 600 039.
4. The Assistant Engineer,
TANGEDCO,
Madhavaram – II,
Vadaperumbakkam,
Chennai – 600 060.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



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praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the letter in Ka.No.Vu.Po/E&Para/Vadaperumbakkam/Ko.Thani/A.No.64/2021 dated 17.03.2021, issued by the fourth respondent herein and quash the same and consequently direct the fourth respondent to shift the Transformer and junction box executed in front of the petitioner's plot No.14, Annai Avenue, Vinayagapuram, Vadaperumbakkam, Madhavaram Taluk, Tiruvallur District to any other appropriate place.

For Petitioner : Mr.A.E.Ravichandran
For Mr.N.Anbzhagan

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the fourth respondent dated 17.03.2021, thereby directed the petitioner to find out a suitable place to relocate the transformer that too cost to be borne out by the petitioner.

2. The petitioner had purchased a house plot No.14 comprised in survey No.33/1A, situated at Annai Avenue, Vadaperumbakkam, Madhavaram Taluk, Chennai, ad measuring 1849 sq.ft., by the registered sale deed dated 24.10.1991 vide document No.8251 of 1991. The said



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plot has forntage of 30 feet, abetting the Annai Avenue. While being so, the respondents had erected transformer and junction box covering the entire forntage of the petitioner's house plot. Therefore, the petitioner could not able to bring any logistic and construction material to put up construction in his plot. Since the land lying vacant, the respondents had erected the transformer and junction box in front of the house plot owned by the petitioner. When the petitioner made a request to shift the transformer and junction box, the fourth respondent rejected the same by the impugned order. Hence, the petitioner filed the present writ petition with the above prayer.

3. The learned counsel appearing for the petitioner produced photographs to show that entire transformer and junction box have been erected by the respondents just in front of the house plot. Further without getting any consent or without informing the petitioner, the respondents erected the transformer and junction box. However, the fourth respondent directed the petitioner to find out the place to shift the transformer that too, on the cost of the petitioner.



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4. The fourth respondent filed counter and the learned Standing Counsel appearing for the respondents submitted that the transformer was constructed in the year 2001, on the common road for public utility. Whereas the petitioner submitted representation to shift the transformer only on 22.05.2021. Admittedly, the transformer and junction box are erected in the public road and not on the house plot owned by the petitioner. If at all any grievance over the erection of the transformer, the petitioner ought to have found the alternative place and also bear the cost for shifting of transformer and junction box.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Admittedly, the respondent had erected the transformer and junction box just in front of the petitioner's house plot No.14, Annai Avenue, Vadaperumbakkam, Madhavaram Taluk, Chennai. The frontage of the house plot is only 30 feet. On seeing the photograph, the entire frontage of the petitioner's house plot has been blocked by the transformer and junction box. Further without informing anything about the erection of the transformer and junction box, since it is lying vacant,



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the respondents erected the transformer and junction box in front of the petitioner's house plot. Because of the transformer and junction box, the petitioner cannot have any egress and ingress into his plot and he cannot bring any vehicle into his house plot.

7. Today, the fourth respondent present before this Court and stated that the transformer and the junction box were erected in the public road and there is no other alternative place to shift the transformer and the junction box.

8. Though the respondents had erected the transformer and junction box for the utility of the general public, it should not obstruct the general public movement and also should not block the very access of the private house owner. Considering the above facts and circumstances, the fourth respondent is directed to identify other appropriate place and shift the transformer and junction box without disturbing the petitioner's access into his house plot No.14, Annai Avenue, Vadaperumbakkam, Madhavaram Taluk, Chennai, on their own cost, within a period of twelve weeks from the date of receipt of a copy of this Order.



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9. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

04.06.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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