



WEB COPY



W.P.No.23859 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

CORAM:

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

W.P.No.23859 of 2021
and W.M.P.No.25144 of 2021

S.Rajesh

...Petitioner

-Vs -

1. The Chairman -cum -
Managing Director,
Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
6th Floor, TANTRANSCO Building,
No.144, Anna Salai,
Chennai – 600 002.
2. The Assistant Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
G.N. Chetty Road, T. Nagar,
Chennai – 600 017.
3. The Assistant Engineer (O & M),
Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
G.N. Chetty Road, T. Nagar,
Chennai – 600 017.



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4. Karthick,
Incharge & Secretary to Canara
Bank Staff Quarters,
New No.39, Venkat Narayan Road,
T. Nagar, Chennai – 600 017.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of impugned communication of the third respondent herein in his proceedings Lr.No.AE/O&M/T Ngr Central/F.Petition/D.251/2021 dated 30.09.2021 and quash the same and consequently direct the respondents 1 to 3 herein to relocate the proposed transformer in front of the entrance of the petitioner house and western side of house, which is situated property situated in Old T.S. No.8/1, 8/2 and 8/3, New T.S. No.6418 of Mambalam Village and R.S. Nos.8/1, 8/2 and 132/1 and 132/2 bounded on the north by Canara Bank's property, south by Venkatnarayana Road, east by plot No.98 and west by passage leading to the property of Canara Bank, measuring total extent of 5190 sq.ft., to any alternate site at a safe distance from the petitioner's property.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents

For R1 & R3 : Mr.L.Jaivenkatesh
Standing Counsel



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ORDER

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This writ petition has been filed challenging the proceedings of the third respondent dated 30.09.2021, thereby rejected the objection raised by the petitioner while installing ring main unit.

2. The petitioner had purchased a land ad measuring 5190 sq.ft., and constructed a residential building. The petitioner and his family members are residing in the said building. While being so, on 03.08.2021, the respondent decided to erect ring main unit adjacent to the petitioner's house compound wall i.e., on Canara bank property, on western side of the petitioner's property and the same is obstruct the entrance of the petitioner's house. Therefore, the petitioner submitted objection. However, without considering the objection raised by the petitioner, the respondents had proceeded with construction of ring main unit without following mandatory as prescribed under Rule 80 of the Indian Electricity Rules, 1956. According to the said Rule, while erecting the transformer, the respondent must ensure that there should be no threat to anybodies life.

3. The learned counsel appearing for the petitioner submitted



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that while pending the writ petition, the respondent erected the ring main unit without following the procedure prescribed under Rule 80 of the Indian Electricity Rules. Accordingly, while erecting high voltage lines upto and including 11,000 volts, there must be horizontal clearance between the nearest conductor and any part of such building shall, on the basis of maximum deflection due to wind pressure, be not less than 1.2 meters. However, very adjacent to the petitioner's compound wall the respondents erected the ring main unit. Therefore, it cause life threat and the respondents ought not to have erected the ring main unit. The learned counsel appearing for the petitioner also produced photographs showing the adjacent to the compound wall of the petitioner, the respondents erected ring main unit.

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

5. On perusal of the counter and also the submission made by the learned counsel appearing for the respondent revealed that the ring main unit has been erected within the premises of the fourth respondent and it is no way cause any threat or damage to the petitioner. Further, in



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the present ring main unit model, there will be no 11 Kv live parts to be visible and that everything will be installed inside the panel. Further, fire protection was also installed and distance between the fire protection wall and the wall of the petitioner's residential building is more than seven feet, thereby the construction of the ring main unit is within the ambit of the guidelines provided under the Rule 80 of the Indian Electricity Rules, 1956.

6. That apart, the entire panel has been erected within the compound wall of the fourth respondent on whose undertaking the said ring main unit was erected. In fact, behind the unit a fire wall protection has been put up by the respondents to the height of 12 feet in order to be equivalent to the compound wall of the petitioner. Further it is no way blocked the main entrance of the petitioner's house, as the ring main unit is present within the compound wall of the fourth respondent. Further the petitioner's corridor situated behind the ring main unit, it never obstructed the main entrance of the petitioner's house. Therefore, this Court finds no infirmity or illegality in the order passed by the third respondent and the writ petitioner is devoid of merits and liable to be dismissed.



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7. Accordingly, the Writ Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

03.06.2024

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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