



W.P.No.26354 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26354 of 2024

And

W.M.P.No.28805 of 2024

Kanniyammal

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Kancheepuram.

2.The Executive Engineer,
(Operation and Maintenance)
Tamil Nadu Generation and Distribution
Corporation Limited,
Kancheepuram.

3.Junior Engineer,
(Operation and Maintenance)
Tamil Nadu Generation and Distribution
Corporation Limited,
Vishnu Kanchi
Kancheepuram.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus to call for the records relating



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to the proceedings of the third respondent vide க எண் : இ.நிபொ/

இஃய/ விகா/ கோ.ம.ம./எண்.231/24 dated 15.06.2024 and quash the same consequently directly third respondent to shift the transformer laying in front of the vacant site of the petitioner situated in Old Town Survey No.114/5B and New Town Survey No.104/5B1, Chinna Kancheepuram bearing Old Door No.12/C, New Door No.10/C, 10C/1, 10C/2, Thirucholai Street, Chinna Kancheepuram, to some other place without insisting the petitioner to bear the costs and also not to insist the petitioner to provide alternative site for the erection of the transformer within the stipulated time prescribed by the Hon'ble Court.

For Petitioner : Mr.T.Muruganantham
For Respondents : Mr.L.Jai Venkatesh

O R D E R

Mr.L.Jai Venkatesh, learned counsel takes notice on behalf of the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the



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proceedings of the third respondent vide க எண் : இ.நிபொ/ இஃய/ விகா/ கோ.M.M./எண்.231/24 dated 15.06.2024 and quash the same consequently direct the third respondent to shift the transformer lying in front of the vacant site of the petitioner situated in Old Town Survey No.114/5B and New Town Survey No.104/5B1, Chinna Kancheepuram bearing Old Door No.12/C, New Door No.10/C, 10C/1, 10C/2, Thirucholai Street, Chinna Kancheepuram, to some other place without insisting the petitioner to bear the costs and also not to insist the petitioner to provide alternative site for erection of the transformer within a stipulated time frame.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the subject property and the respondents erected a transformer in the entrance of the vacant site blocking the ingress and egress to the entire house site and hence the petitioner gave representation to the respondents seeking to shift the transformer to some other place and since the same was not considered, the petitioner gave representation to the Minister for Tamil Nadu Electricity Board, pursuant to which, the impugned order was passed by the third respondent.

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4.The learned counsel appearing for the petitioner produced the photograph relating to the disputed transformer erected in the subject property before this Court and further submitted that the photograph would reveal that the transformer is blocking the ingress and egress to the entire house site and further submitted that it is for the respondents to find out a suitable place for erection of the transformer, however, the third respondent vide impugned order directed the petitioner to provide alternative site for erection of transformer and to bear the costs, which is not sustainable one.

5.The learned counsel appearing for the respondents on instructions, submitted that there is four feet way available adjacent to the transformer and the petitioner can very well use the said way to enter into the property and further submitted that since the CM Cell directed the respondents to pass appropriate orders, the third respondent passed the impugned order. The learned counsel further submitted that unless the petitioner provide an alternative site and bear the entire costs for shifting the transformer, the transformer could not be shifted to some other place. The learned counsel also produced the photograph relating to the disputed transformer erected



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in the subject property before this Court.

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6.Heard the submissions made on either side and perused the materials available on record. This Court also perused the photographs produced on either side.

7.Admittedly, petitioner is the owner of the subject property. Perusal of the photographs reveal that a huge transformer has been erected in the entrance of the petitioner's property thereby blocking the ingress and egress of the petitioner to the entire house site. The respondents cannot expect poor people to find out a place for erection of transformer and to bear the costs. Hence, the impugned order directing the petitioner to provide alternative site for erection of transformer and to bear the costs, is impermissible and not sustainable one.

8.In view of the above, the proceedings of the third respondent vide க எண் : இ.நிபொ/ இயி/ விகா/ கோ.M.M./எண்.231/24 dated 15.06.2024 is hereby set aside. The respondents are directed to receive representation/ application from the petitioner for shifting of transformer to an alternative site and without receiving any amount



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from the petitioner, find out a suitable place for erection of the disputed transformer and shift the said transformer to the alternative site.

9.This writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

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