



WP No.34478 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No.34478 of 2024

P.Chinnappa

: Petitioner

versus

- 1.The Collector,
Office of Collectorate,
Krishnagiri District
- 2.The Superintending Engineer,
TANGEDCO, Krishnagiri 635 001
- 3.The Executive Engineer,
(Operating and Maintenance)
TANGEDCO, Hosur, Krishnagiri
- 4.The Assistant Executive Engineer,
TANGEDCO, Pahalur Division,
Krishnagiri

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to remove the 250KVA transformer SS IV situate in Middle of Village of Sevaganapalli, Pahalur Post, Hosur, Krishnagiri District and to relocate the same in a remote location Sevaganapalli Village based on petitioner representation



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dated 14.10.2024.

For Petitioner : Mr.M.Selvam
for Mr.G.Selvaraj

For Respondent No.1 : Mr.M.Habeeb Rahman,
Government Advocate

For Respondent 2 to 4 : Mr.S.Madhusudhanan,
Standing Counsel

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Petitioner has filed a representation dated 14.10.2024, and on 05.11.2024, filed this public interest litigation. Petitioner's representation is to have the 250 KVA transformer SS IV situate in the middle of Sevaganapalli Village, Pahalur Post, Hosur, Krishnagiri District removed and to relocate the same in a remote location.

2. When the petition was called out during the pre-lunch session, looking at the photographs annexed to the petition, a specific query was raised by the Court as to whether the transformer is within the residential compound of petitioner's house, and the counsel denied.



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3. Post lunch, counsel for respondents 2 to 4, after taking instructions, informed the Court that the transformer is placed within the compound of petitioner's house and it was erected way back in 2010, with petitioner's permission. Counsel also submitted that perhaps, petitioner would have been paid compensation when it was erected. But even otherwise, if petitioner wants it to be shifted, he has to pay the shifting charges.

4. The fact that the transformer is situated within petitioner's residential compound was a material fact, which has been suppressed. Even to a specific query posed, the counsel did not consider it fit to confess that it was within petitioner's residential compound.

5. This is nothing but abuse of process and misusing the facility of public interest litigation.

6. Therefore, we dismiss the petition with cost in a sum of Rs.10,000/- (Rupees Ten Thousand only) to be paid to the Tamil Nadu



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State Legal Services Authority. This amount shall be paid within two weeks from today.

7. Counsel for respondents 2 to 4 states that in response to the representation, petitioner will be informed of the charges to be paid for shifting the transformer, and upon petitioner paying those charges, the needful will be done.

8. At this stage, counsel for petitioner states that petitioner shall pay the necessary shifting charges.

(K.R.SHRIRAM, CJ.)

(SENTHILKUMAR RAMAMOORTHY, J.)

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Index : Yes/No
Neutral Citation : Yes/No
tar



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