



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.35562 of 2023

and

W.M.P.No.35504 of 2023

G.Kumaresan

... Petitioner

Vs.

1.The District Collector,
Kallakurichi District,
Kallakurichi.

2.The Divisional Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Sankarapuram Town & Taluk,
Kallakurichi District.

3.The Junior Engineer,
Tamil Nadu Electricity Board,
Arasampattu Village, Sankarapuram Taluk,
Kallakurichi District.

4.The Tahsildar,
Sankarapuram Taluk Office,
Kallakurichi District.

5.The Village Administrative Officer,
Arasampattu Village, Sankarapuram Taluk,
Kallakurichi District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 2 and 3 from installing Transformer in front of the petitioner's house situated in Survey No.125/5 at Main Road, Arasampattu Village, Sankarapuram Taluk, Kallakurichi District based on the petitioner's recent representation dated 12.12.2023.

For Petitioner	: Mr.G.Balamanikandan
For R1, R4 & R5	: Mr.T.Venkatesh Kumar Special Government Pleader
For R2 & R3	: Mrs.Daniel Mary Standing Counsel [TANGEDCO]

ORDER

The Writ of Mandamus has been instituted to forbear the respondents 2 and 3 from installing Transformer in front of the petitioner's house situated in Survey No.125/5 at Main Road, Arasampattu Village, Sankarapuram Taluk, Kallakurichi District based on the petitioner's representation dated 12.12.2023.



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2. In the context of the relief sought for in the present writ petition, the learned counsel for the respondent / Board would submit that the Transformer has been erected in the Government land and therefore, the petitioner cannot claim right over the erection of Transformer in the said place.

3. The learned counsel for the petitioner would submit that the Transformer has been erected in front of his house.

4. However, the Transformer is not causing any inconvenience to ingress and egress to enjoy the property belonging to the petitioner. The installation of the Transformer, which is an essential service to the people of that locality cannot be obstructed. However, the petitioner is at liberty to approach the authorities for shifting of Transformer. If there is any alternate place is available and by accepting the cost for shifting the Transformer from the existing place to some other place the same may be considered. But the erection of Transformer being a essential service to be provided, the petitioner cannot raise objection regarding such erection. Thus, the relief as such sought for cannot be granted.



5. Accordingly, this Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

04.04.2024

Jeni

Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

To

1.The District Collector,
Kallakurichi District,
Kallakurichi.

2.The Divisional Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
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5. The Village Administrative Officer,
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S.M.SUBRAMANIAM, J.

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