



W.P(MD)No.377 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2024

CORAM :

THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD) No.377 of 2024

and

W.M.P(MD)No.381 of 2024

V.Rani

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
Pudukottai District,
Pudukottai.

2.The Assistant Executive Engineer,
TANGEDCO,
Ponnamaravathy,
Pudukottai District.

3.The Assistant Engineer,
TANGEDCO,
Karaiyur,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents not to erect the high voltage transformer in front of



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petitioner's house comprised in S.No.512/25, Konnaiyampatti, Karaiyur Village, Ponnamaravathy Taluk, Pudukkottai District and consequently direct the respondents to erect the high voltage transformer some other suitable place.

For Petitioner : Mr.S.Alagusundar
For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The petitioner seeks for Writ of Mandamus, directing the respondents not to erect the high voltage transformer in front of petitioner's house comprised in S.No.512/25, Konnaiyampatti, Karaiyur Village, Ponnamaravathy Taluk, Pudukkottai District and consequently direct the respondents to erect the high voltage transformer some other suitable place.

2. The case of the petitioner is that she is having a land in survey No.512/25 and constructed a thatched house and residing with her family members for the time immemorial. The property is situated in Patta No. 720 stands in the name of the petitioner's father-in-law. She has been



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using the passage to the main road without any hindrance. Her husband is unable to move due to his illness. There was an electrical pole near to her house. Now the respondents are carrying out the installation work of erecting the high voltage transformer in the said place. If the transformer is erected in that place, it will affect the pathway of the petitioner to access the main road. It will also affect their health and the health of their school going children.

3. Learned counsel for the petitioner further submitted that several vacant lands are available in that locality. But the third respondent intentionally trying to erect the high voltage transformer near the petitioner's house which would affect their access to the main road. Further, in front of their house, a Government drinking water tank is also installed. Due to which their pathway was partly curtailed already. Considering the public welfare, the petitioner was not objected for installation of the drinking water tank. But now the act of the respondents, erecting the high voltage transformer in front of the petitioner's house, is unjustifiable.



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4. Further, it is submitted that the petitioner has sent a representation to that effect on 02.12.2023 to the third respondent and he has sent a reply stating that the petitioner has to produce necessary documents to prove that the land is belonging to them or otherwise they will continue the erection work in that place. There are some government poromboke land which will have no objection from anybody.

5. The petitioner has land in Patta No.720 in survey No.512/25 to an extent of 2.00 cents. It is seen that the letter dated 02.12.2023 in க.எண்.உமி.பொ./இகா/காரை/கோ.பு.ம/அ.எண்.526/2023, in a reply to the petitioner's representation, the third respondent has stated that there is no such proposal for erecting a transformer in front of the petitioner's house. But they are going to erect only in the Government poromboke land, which is away from the petitioner's house. It is stated that if the petitioner claims right over the poromboke land, he can approach the concerned authority within a period of seven days. Eventhough, the petitioner is not seeking right over the poromboke land, but only trying to bring it to the notice of the authorities that there is a water tank available near the place where the respondent corporation is going to



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erect the transformer and if the transformer is erected it will cause danger to the public health. Hence they are seeking to change the place for erecting the transformer to some other place which is away from the water body and the petitioner's thatched house.

6. Heard both sides.

7. This Court is of the view that the respondent corporation has to erect the high voltage transformer only for the purpose of distribution of power to entire village. If there is any objection raised by a common man, the authorities should consider the objection and try to put up the transformer which will be of no obstruction or causing danger to any of the public. As it is seen, the petitioner is having only a thatched house and the respondents can erect the transformer 20 feet away from the Government water tank. It is made clear that the Government, the public as well as the petitioner shall not be put to hardship by erecting near their house. A distance of 20 feet is not going to cause much loss to the respondent corporation. Therefore, the respondent corporation may send proposal to erect the high voltage transformer in a unobjectionable place which is 20 feet away from the existing place.



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8. With this direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

22.01.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

- 1.The Superintending Engineer,
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Pudukottai District,
Pudukottai.
- 2.The Assistant Executive Engineer,
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- 3.The Assistant Engineer,
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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Dated 22.01.2024