



W.P.(MD)No.19077 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19077 of 2015
and M.P.(MD)No.1 of 2015

G.Chelladurai

... Petitioner

versus

1. The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Colachel,
Kanyakumari District.

2. The Executive Engineer (General),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Parvathipuram,
Kanyakumari District.

3. P.Sam Selvin

(R3 is impleaded vide order dt. 03.01.2024)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 to remove the two pillars installed in front of the petitioner's house in S.No.611/5A, situated at Pillavilai, Sariya Vattam, Kallukottam, Kanyakumari District and to install the Transformer in



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suitable alternative site.

For Petitioner : Mr.G.Mohankumar
For R1 and R2 : Mr.S.Deenadhayalan,
Standing Counsel
For R3 : Mr.S.Bharathy Kannan

ORDER

The petitioner, with a grievance that the respondents 1 and 2 are attempting to erect a transformer in front of his property in Survey No. S.No.611/5A, situated at Pillavilai, Sariya Vattam, Kallukottam, Kanyakumari District, has filed this writ petition.

2. The learned counsel appearing for the petitioner submits that the respondents have proposed to install a transformer at a common place available 15 meters away from the petitioner's house plot. Now, the respondents 1 and 2, for the reasons best known to them, have shifted the place in front of the petitioner's house plot. Further, the width of the road is only 9 ½ feet. Therefore, the petitioner has filed this writ petition.



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3. The learned Standing Counsel appearing for the respondents 1 and 2 submits that it was only a proposal and the respondents 1 and 2 have not erected the transformer so far. In view of this writ petition, they have erected only two poles and not erected the transformer till date.

4. Mr.S.Bharathi Kannan, learned counsel appearing for the 3rd respondent submits that the petitioner, by filing this writ petition, has prevented the transformer to be erected in that locality. Even according to the 3rd respondent, earlier, a proposal was made to erect the transformer at a common place available 15 meters away from the petitioner's house plot and thereafter, the place was shifted in front of the petitioner's house plot. His concern is that the transformer has to be erected.

5. This Court considered the rival submissions made.



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6. The petitioner, with a grievance that the respondents are attempting to erect a transformer in front of his house plot, has filed this writ petition in the year 2015. According to the respondents, they have not erected the transformer so far.

7. The petitioner has produced a photograph which exposes that the width of the road is very small. The erection of transformer in the place would be posing a danger to the vehicles passing through the road. The respondents have not denied that earlier, a place has already been identified by them 15 meters away from the petitioner's house plot and they have shifted the place in front of the petitioner's house. Therefore, this writ petition is allowed with liberty to the respondents 1 and 2 to identify an unobjectionable place and erect the transformer. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2024

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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To
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