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W.P.No.417 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.417 of 2025
& W.M.P.No.481 of 2025

Shree Sai Poorinima Agency,
Rep.By its Partner Mrs.M.Poornima,
E.No.349, Walltax Road,
Kondithope,
Chennai - 600 079.

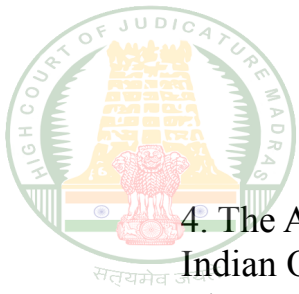
... Petitioner

/versus/

1. The Asst. Engineer, (O&M),
Kondithope,
CEDC/Central,
Chennai - 600 079.

2. The Executive Engineer,
Tamil Nadu Electricity Board,
Egmore,
Chennai - 600 008.

3. The Chairman,
TamilNadu Urban Habitant Development Board,
No.5, Kamarajar Salai,
Triplicane,
Chennai - 600 006.



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4. The Assistant Manager (RS),
Indian Oil Corporation Limited,
Chennai Divisional Office,
No.500, Anna Salai,
Teynampet,
Chennai - 600 018.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, Writ of Certiorarified Mandamus, to call for the entire records of the 1st respondent issued in his proceedings vide Letter No.AE/O&M/Kondithope/CI/F.Complnt /D.342/24 dated 30.09.2024 and quash the same and consequently direct the 1st to 3rd respondents herein to relocate the mounting of transformers on the western side of their residential building or any other place which is conducive for the 1st respondent inside the M.S.Nagar.

For Petitioner : Mr.T.Sellapandian

For Respondents : Mr.Jaivenkatesh,
Standing Counsel, for R1 & R2
: Mr.S.Karthikeyan, for R3
: Mrs.Revathi Manivanan, for R4
: Mr.P.Balamurugan, Advocate Commissioner.

ORDER

The writ petition was filed with a prayer to call for the records relating to the proceedings dated 30.09.2024.

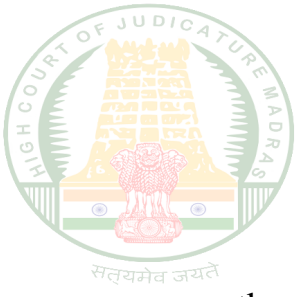


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2. Upon hearing the Learned Counsel for the petitioner

Mr.T.Sellapandian, it transpired that the grievance of the petitioner is that the present location of the transformer is very near to the dispenser of the Petrol and other products and the respondent himself has identified yet another place where the transformer can be safely relocated. In that regard, when the writ petition came up for hearing on 07.03.2025, this Court appointed an Advocate Commissioner with a direction to inspect the site and to find out whether the existing transformer is within the prohibited distance and whether the alternate site would be safer and feasible for the relocation of the Transformers.

3. The Advocate Commissioner has now filed a report as per which in paragraph No.5, it is mentioned that the Transformers erected are very close to the petrol bunk and the only single brick wall is separating. It is also further stated that the other place which is identified would be suitable and safe for relocation of the Transformers. The Learned Counsel would submit that, since it is now found that the are authorities were at fault, the petitioner need not be mulcted with the relocation charges.

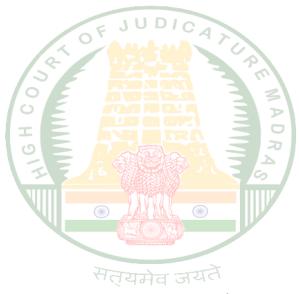


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4. The Learned Counsel for the respondent would submit that as per the rules, the petitioner has to pay the relocation charges since the relocation will be done only as per the request of the petitioner.

5. I do not want to go further into the details in as much as that the parties have amicably inspected the site and have come to the conclusion that the Transformers will be shifted to the newly identified site and that resolves the major conflict in the matter. Originally when the petitioner approached the respondents with a request he had undertook to pay the charges. Therefore, without adjudicating, as to the liability of the petitioner, considering the expediency of the circumstances, I am of the view that in this case the petitioner being the retail unit dispensing with Petroleum products, can very well bear the relocation charges. The respondents shall make sure that only the minimum amount that is required as per the rules alone are demanded from the petitioner.

6. In view thereof, the report of the Commissioner is accepted. The writ petition is disposed of on the following terms:



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(i) Within one week from the date of receipt of the web copy of the order without waiting for the certified copy of the order, the petitioner can make an online application.

(ii) Upon receipt of the application within one week there from, the first and second respondents shall intimate the petitioner in writing as to the charges that are required to be paid and the petitioner shall pay the charges for relocation. Thereafter, within four weeks from the date of payment of the charges, the transformer shall be relocated to the place identified by the parties.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

16.04.2025

Neutral Citation : No.
bsm



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To,

1. The Asst. Engineer, (O&M),
Kondithope,
CEDC/Central,
Chennai - 600 079.

2. The Executive Engineer,
Tamil Nadu Electricity Board,
Egmore,
Chennai - 600 008.

3. The Chairman,
Tamil Nadu Urban Habitant Development Board,
No.5, Kamarajar Salai,
Triplicane,
Chennai - 600 006.

4. The Assistant Manager (RS),
Indian Oil Corporation Limited,
Chennai Divisional Office,
No.500, Anna Salai,
Teynampet,
Chennai - 600 018.

5. The Government Pleader, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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