



W.P.No.9816 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.9816 of 2024

K.Arokiyasamy

... Petitioner

Vs.

1.The Chairman cum Managing Director,
TNEB, 6th Floor, TANTRANSCO Building,
144, Anna Salai, Chennai – 600 002.

2.Superintending Engineer / Cuddalore TANGEDCO, CEDC,
Capper Hills, Cuddalore, Pin – 607 004.

3.Executive Engineer, TANGEDCO, TNEB,
Budhamur, Vridhachalam,
Cuddalore District – 606 001.

4.The Assistant Engineer,
TNEB, TANGEDCO, CEDC,
Sub Station, U Mangalam, Cuddalore District – 607 804. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for records and to quash the impugned order of the 3rd respondent Letter Ka.No.SePo/E&Pa/Viru/Vavu/ Ko.Pu.Manu/A.No.284/23-24 dated 23.11.2023 herein received on 07.12.2023 and consequently direct the respondents to remove the transformer wrongfully, illegally erected in the petitioner's property at Survey No.84/7A, Patta No.271, U Mangalam Revenue Village, Cuddalore District and electric lines passing over petitioner's house within the time fixed by this Court.

For Petitioner : Mr.P.Jesus Moris Ravi



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For Respondents : Mr.V.Venkata Seshaiya
Standing Counsel

ORDER

This Writ Petition has been filed seeking a Writ of Certiorarified Mandamus, to call for the records and to quash the impugned order of the 3rd respondent Letter Ka.No.SePo/ E&Pa/Viru/Vavu/ Ko.Pu.Manu/A.No.284/23-24 dated 23.11.2023 herein received on 07.12.2023 and consequently, to direct the respondents to remove the transformer wrongfully, illegally erected in the petitioner's property at Survey No.84/7A, Patta No.271, U Mangalam Revenue Village, Cuddalore District and electric lines passing over petitioner's house within the time fixed by this Court.

2. The petitioner claims that he is the owner of the property in S.No.84/7A, measuring 0.10.0 ares, through a registered sale deed vide Doc.No.1123/1997 dated 11.12.1997 from one R.Aathimoolam. Thereafter, the revenue records were mutated in favour of the petitioner. Whiles, a high tension transformer was erected in his land without obtaining his consent and 11 KV High Power Tension line wires also drawn in his land, which is top of his home. In order to remove the same, the petitioner has preferred a complaint/representation dated 24.07.2023 before the District Collector,



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Cuddalore and subsequently, the same was forwarded to the 4th respondent. The 4th respondent vide letter dated 21.08.2023 instructed the petitioner to apply in DCW Scheme (Deposit Contribution Works) and remit the cost for shifting expense fees under DCW scheme, then only the transformer will be removed from his land. In this regard, the petitioner has preferred a complaint/representation dated 30.08.2023 before the respondents 1 to 4. Thereafter, the 3rd respondent has issued the impugned letter dated 21.08.2023 instructing the petitioner to apply in DCW Scheme (Deposit Contribution Works) and remit the cost for shifting expense fees under DCW scheme, then only the transformer will be removed from his land. Challenging the same, the petitioner has filed this writ petition before this Court.

3. Learned counsel for the petitioner submits that the issue involved in this writ petition is no longer *res integra* and the same was decided by this Court in W.P.No.25522 of 2022, vide order, dated 22.09.2022, wherein this Court has held that erection of transformer should always be with the consent of the owner and if it is erected without the consent of the owner and if the owner objects, the TANGEDCO is bound to shift it and the shifting expenses shall be borne by the TANGEDCO at the place decided by them. Hence, the impugned order is contrary to the law laid down by this Court in the aforesaid order.



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4. Per contra, learned Standing Counsel appearing for the respondents submits that the respondents have erected the subject transformer with the consent of the owner in the year 1989 and subsequently, the petitioner had purchased the subject property in the year 1997. However, the shifting application was made before the respondents only in the year 2023, thereby the present impugned order is passed, which needs no interference. Further, he submitted that the Division Bench of this Court, in W.A.No.1164 of 2014, vide order, dated 07.03.2018, had held that the subsequent purchaser knowing very well that the transformer is existing, have purchased the land cannot avoid the liability of paying shifting charges. Therefore, the impugned order passed by the 3rd respondent requires no interference. Accordingly, he prays for dismissal of this writ petition.

5. Heard both sides and perused the materials available on record.

6. Admittedly, the respondents have erected the subject transformer in the petitioner's patta land. However, as per the Regulations of the Tamil Nadu Supply Code, for erecting transformer in a patta land, the permission of the owner is necessary. Though the respondents claims that they have obtained



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permission from the erstwhile owner, however no proof was produced before this Court. It is claimed by the petitioner that the transformer was erected in the year 1999 without the consent of the petitioner. When such being the position, the transformer erected by the respondents has to be necessarily shifted to a non-objectionable land that may be decided by the respondents.

7. Accordingly, the Writ Petition is allowed, directing the respondents to shift the subject transformer from the petitioner's patta land to a non-objectionable area, as per the decision of this Court in W.P.No.25522 of 2022, dated 22.09.2022, within a period of eight (8) weeks from the date of receipt of a copy of this order, without insisting any payment from the petitioner for shifting. No costs.

13.11.2025

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes/No

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To

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