



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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**DATED: 11-09-2025**

CORAM

**THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**REV.APLW No. 133 of 2025**

M.G.Gopalan

Petitioner(s)

Vs

1. The Chairman

TANGEDCO, Mount Road,  
Anna Salai, Chennai- 600 002.

2.The Superintending Engineer

CEDC/ South, 110 KV, Kk Nagar,  
SS Complex, KK Nagar,  
Chennai- 600 078.

3.The Executive Engineer

TANGEDCO, Mudichur Road,  
Poothuthangal,  
Tambaram, Chennai- 600 045.

4.The Chief Secretary

Secretariat,  
Fort St. George,  
Chennai-600 009.



5. Director of Municipal Administration  
Urban Administrative Office Campus,  
MRC Nagar, Chennai-600 028.

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6. The Member Secretary  
Chennai Metropolitan Development  
Authority Thalamuthu Natarajan  
Building, No.1, Gandhi Irwin Road,  
Egmore, Chennai-600 008.

Respondent(s)

**PRAYER:** This Review application is filed under Order XLVII Rule I r/w. Section 114 of CPC seeking to review the order dated 19.03.2025 in WP.No. 321 of 2024.

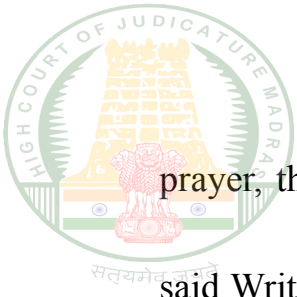
For Appellant(s): M/s. D.Arun Kumar

For Respondent(s): Mr.L.Jai Venkatesh Standing  
counsel for (TANGEDCO) for  
R1 To R3

### **ORDER**

This Review application is filed seeking to review the order dated 19.03.2025 made in W.P.No.1321 of 2024.

2. The case of the petitioner is that in order to favour the particular flat residents, rather than locating the transformer within their premises, the same was mischievously and malafidely located in front of his gate. With the said



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prayer, the petitioner first filed a Writ Petition to remove the transformer. The said Writ Petition in W.P.No.28291 of 2012 was allowed by this Court by order dated 03.07.2015 on the terms mentioned therein. Subsequently, when the contempt petition in Cont.P.No.2693 of 2015 was filed, it was found that there were factual disputes between the parties and therefore, it cannot be adjudicated in exercise of contempt jurisdiction and the contempt was closed. Thereupon, the petitioner filed a suit in OS.No.3488 of 2017 and the suit was dismissed by a judgment dated 16.12.2021 by the learned XIVth Assistant City Civil Judge, Chennai. Thereafter, the present Writ Petition was filed, after hearing, the following findings were made by this Court in paragraph No.6 of the order which is extracted hereunder for better appreciation:

“6. When it is the case of the respondents that the gate was put up mischievously only to remove the transformer, no reply is filed to the counter affidavit and no materials is produced by the petitioner to the contrary. Further, it can be seen that in respect of the very same cause of action to remove the very same transformer, the petitioner has filed civil suit in O.S.No.3488 of 2017 on the file of the 14<sup>th</sup> Assistant City Civil Judge, Chennai and the said suit was also dismissed by judgment and decree dated 16.12.2021.”



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3. Now this Review application is filed seeking to produce materials to show that the contention of the respondent that the gate was put up subsequently after the transformer is erroneous.

4. Be that as it may, even if I agree with the petitioner that the gate was put up subsequently, still the suit was decided only on the said ground. The suit also considered that the petitioner had three gates and it also considered that the transformer was put up for public purpose and dismissed the suit.

5. The learned counsel submits that, in the suit, the prayer was only for the damages and therefore the same will not be *res judicata* for filing the Writ Petition. The very same matter was earlier agitated by way of a Writ Petition and after finding factual dispute between the parties, the matter was relegated to the civil Court. In the civil Court, it is for the petitioner to have claimed all reliefs. Even if he has not specifically claimed the relief for shifting the transformer, the subject matter in issue was one and the same.

6. On a perusal of the judgement of the civil Court, it can be seen that the petitioner had taken twin stands. Firstly, it was his contention that the



transformer was put up in his place. Secondly, it was his contention that it was put up in front of his gate. The civil Court has found that the petitioner has not proved that it is within his premises and accepted the case of the respondents that it is in the public place. Even though the civil Court has found that the gate was put up subsequently, even assuming that the said finding is wrong, there is also other finding of the civil Court that the petitioner has got three gates and their transformer is put up in public interest and the same need not give rise to any cause of action for the petitioner to claim damages.

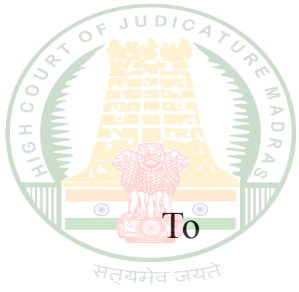
7. In the teeth of the said finding, I'm of the view that, even *prima facie* accepting the contention of the learned counsel for the petitioner, the gate was put up prior to the erection of the transformer, still in view of the judgement of the civil Court, I am unable to give any relief to the petitioner and the verdict that is rendered in the writ petition does not call for any review.

8. Accordingly, the Review Application stands dismissed. No costs.

**11-09-2025**

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Neutral Citation: Yes/No



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**To**  
**1.The Chairman**

Tangedco, Mount Road, Anna Salai,  
Chennai- 600 002.

**2.The Superintending Engineer**

Cedc/ South, 110 Kv, Kk Nagar, Ss  
Complex, Kk Nagar, Chennai- 600  
078.

**3.The Executive Engineer**

Tangedco, Mudichur Road,  
Poothuthangal, Tambaram, Chennai-  
600 045.

**4.The Chief Secretary**

Secretariat, Fort St. George, Chennai-  
600 009.

**5.Director Of Municipal Administration**

Urban Administrative Office Campus,  
Mrc Nagar, Chennai-028.

**6.The Member Secretary**

Chennai Metropolitan Development  
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**D.BHARATHA  
CHAKRAVARTHY J.**

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**11-09-2025**