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W.P.No.38430 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.38430 of 2024

P.A.Sukumar

.. Petitioner

Versus

1. The Superintending Engineer,
Tamilnadu Generation and,
Distribution Corporation Ltd, (TANGEDCO),
(Formerly TNEB),
Erode Electricity Distribution Circle,
949, E.V.N.Road, Erode - 9.
2. The Executive Engineer,
Tamilnadu Generation and,
Distribution Corporation Ltd, (TANGEDCO),
(Formerly TNEB),
Erode Electricity Distribution Circle,
E.V.N.Road, Erode - 9.
3. The Assistant Engineer,
Tamilnadu Generation and,
Distribution Corporation Ltd, (TANGEDCO),
(Formerly TNEB),
Erode Electricity Distribution Circle,



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Perundalaiyur - Po,
Sakthi Nagar - Via,
Bhavani - TK,
Erode District - 638 315.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the respondents to shift the transformer with stay pole kept in front of petitioner's land in Natham Survey No.333/30 (Old S.F.No.333-2A) at Perunthaliyur Village, Bhavani Taluk, Erode District.

For Petitioner : Mr.K.Sudhakar

For Respondents : Mr.I.Syed Sibquthullaa,
Standing Counsel

ORDER

This Writ Petition is filed for a Mandamus directing the respondents to shift the transformer with stay pole kept in front of the petitioner's land in Natham Survey No.333/30 at Peruthalaiyur village, Bhavani taluk, Erode district.



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2. The grievance of the petitioner is that the transformer, which was installed in front of the petitioner's property, is blocking his ingress and egress to his property. As such, he made a request to shift the transformer. When the request was received, the authorities are requesting the petitioner to pay the shifting charges.

3. The learned Counsel for the petitioner, relying upon Section 17 of the Indian Telegraph Act, 1885, would submit that when an installation is in such a manner so as to block the ingress and egress, it is the duty of the respondents to shift the same or pay compensation to the petitioner. The petitioner cannot be insisted upon to pay the shifting charges.

4. The Writ Petition is resisted by the respondents. The learned Counsel for the respondent, by producing a photograph, would submit that the ingress and egress is not blocked. The transformer is only in the road



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margin and is not in the petitioner's property. The petitioner's ingress and egress to his property is not at all blocked. The petitioner can very well have the ingress and egress in rest of the frontage and the road. The entire width is 55 feet and 10 inches. Therefore, Section 17 of the Indian Telegraph Act, 1885 is not attracted.

5. The very photograph, which is produced by the writ petitioner, itself would make it clear that the transformer is not affecting his ingress and egress. The learned Counsel for the respondents would submit that even the house of the petitioner is situated 24 feet behind the transformer. That may not be the criteria as the petitioner has every right to put superstructure covering his own land leaving only the set back. Therefore, on considering the nature of the petitioner's property, it cannot be said that the transformer blocks the ingress and egress. However, the stay wire certainly blocks the ingress and egress. The stay wire runs across the frontage of the petitioner's property. Therefore, the respondents are directed to remove the stay wire



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and if they want to give support to the transformer, they have to make it in such other manner by giving base support through pipes etc. The same should also be done without further blocking the frontage of the petitioner's property.

6. Therefore, with the above directions, I am of the view that the prayer of the petitioner to shift the entire transformer itself cannot be acceded to. The transformer does not in any manner prevent the ingress and egress of the petitioner to his property and there is enough frontage for the petitioner's property and even his gate is not aligning to the transformer and it is besides the transformer. The transformer has to be installed in some space and everyone cannot oppose for the transformer being placed opposite to their house while enjoying the electricity connection.

7. With the above direction to remove the stay wire and make such other arrangements to stabilise the transformer as per the expert advise



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without blocking the petitioner's frontage, the Writ Petition stands disposed

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of. There shall be no order as to costs.

03.02.2025

Neutral Citation : no
grs

To

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D.BHARATHA CHAKRAVARTHY, J.

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