



W.P.(MD)No.4029 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4029 of 2025

and

W.M.P.(MD)No.2896 of 2025

K.Murugesan

... Petitioner

-VS-

1.The Superintending Engineer,
TANGEDCO, Virudhunagar District.

2.The Assistant Electrical Engineer,
TANGEDCO, Sivagiri.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the second respondent from shifting or installing a transformer in front of the petitioner's house, in Door No.19D, Ambedkar South Street, Sivagiri - 627 757.

For Petitioner : Ms.C.Jeya Indra Patel

For Respondents : Mr.S.Deenadhayalan
Standing Counsel



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ORDER

This Writ Petition has been filed forbearing the second respondent from shifting or installing a transformer in front of the petitioner's house in Door No. 19D, Ambedkar South Street, Sivagiri.

2. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. The petitioner submits that he is the co-owner of the property in question. The second respondent installed a transformer on the right side of the petitioner's house, to which the petitioner has no objection. However, on 04.01.2025, the second respondent erected a cement pillar on the left side of the petitioner's house. Upon enquiry, it was revealed that the second respondent intends to either shift the transformer from its current location or install a new one. Hence, the petitioner has sent a representation dated 07.01.2025 to the second respondent. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

4. Heard both sides.



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5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 07.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.



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7. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

14.02.2025

To:-

- 1.The Superintending Engineer,
TANGEDCO, Virudhunagar District.
- 2.The Assistant Electrical Engineer,
TANGEDCO, Sivagiri.



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VIVEK KUMAR SINGH, J.

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