



W.P.(MD) No.24435 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2025

CORAM

THE HONOURABLE **DR.JUSTICE G. JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.P.(MD) No.24435 of 2018

Selvin Asirvatham

... Petitioner

Vs.

1.The Assistant Engineer,
O/o. Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Tamil Sangam Road, Madurai.

2.The Commissioner,
Madurai Corporation,
Corporation Office,
Madurai.

... Respondents

Prayer : Writ Petition (Public Interest Litigation) filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to shift the High Power Electric Transformer erected in front of the DM & R Girls High School, situate at North Masi Street, Madurai Town to some other place.

For Petitioner : Mr.G.Rajaraman



W.P.(MD) No.24435 of 2018

For R1 : Mr.S.Deenadhayalan
Standing Counsel

For R2 : No appearance

ORDER

[Order of the Court was made by **DR.G.JAYACHANDRAN, J.**]

This Writ Petition (Public Interest Litigation) is filed by the school teacher expressing his concern over the High Power Electric Transformer erected in front of the school buildings a few years ago without obtaining the consent of the school management.

2. According to the writ petitioner, the transformer is very close to the compound wall of the school, endangering the safety and security of the school children and also the employees.

3. Hence, the representation dated 20.08.2018 was sent to the first respondent herein, Assistant Engineer of the Tamil Nadu Generation and Distribution Corporation Limited [TANGEDCO], Madurai, for which the first respondent replied on 07.09.2018 stating that the transformer was erected 50 years ago and if it is causing obstruction to the school,



W.P.(MD) No.24435 of 2018

appropriate application should be given for the shifting of the transformer; on receipt of such application, demand for the shifting of the transformer will be made and on payment of cost, the transformer will be shifted to the alternate site.

4. On receipt of the said reply, the writ petitioner has again sent a representation dated 27.10.2018 to the first respondent and other authorities stating that the school is functioning for more than 100 years and the transformer had come up subsequently without the consent of the school management, and therefore, the shifting of the transformer has to be done immediately, taking into consideration the safety and security of the children.

5. Thereafter, this Writ Petition is filed seeking a mandamus directing the first respondent to shift the transformer erected in front of the school to some other place and pass suitable orders appropriately.

6. The first respondent has filed the counter affidavit, wherein it is stated that the name of the distribution transformer is DMR SS with a capacity of 11KV/500KVA, which was erected 50 years back as per the



W.P.(MD) No.24435 of 2018

rules and regulations and by following the safety measures of the rules; that at the time of erection, there was no objection from the public, including the school management; that while so, the school has extended the premises and constructed the compound wall recently near the transformer and has made a request for the shifting of the transformer, citing the danger to the school children and employees of the school; that as per Regulation 5(6)(2) of the Tamil Nadu Electricity Supply Code, the shifting of the transformer at the request can be done only if any other alternate suitable site is available and provided the person who seeks the shifting of the transformer meets the expenses for the shifting; and that if the writ petitioner is ready to pay the demand estimated charge based on the feasibility, the TANGEDCO can shift the transformer.

7. The learned counsel appearing for the writ petitioner submits that the school is under private management with the aid of the Government; that it has no wherewithal to bear the cost of shifting the transformer to an alternate place; and that, taking into consideration the welfare of the children, the TANGEDCO should shift the transformer at their own cost to avoid unnecessary undue incidents. The photographs of the school and the location of the transformer near the school building are produced



W.P.(MD) No.24435 of 2018

before this Court. The learned counsel appearing for the writ petitioner further submits that the proximity of the school building and the transformer, endangering the life of the students, warrants interference for the shifting of the transformer.

8. The school is an aided school. The fact that the transformer existed even before the additional construction of the school is admitted. The TANGEDCO is ready to shift the transformer to another alternate place if it is feasible, provided the school bears the cost of shifting, since the Tamil Nadu Electricity Supply Code also mandates that in the case of a request for the shifting of the transformer, the person who requests the shifting of the transformer has to bear the cost for such shifting. In this case, the transformer has existed for more than 50 years, whereas the school has developed the construction and presently, the building is near the transformer. In such circumstances, the request of the writ petitioner can be considered only if they are able to meet the shifting expenses.

9. We, therefore, dispose of this Writ Petition with a direction to the first respondent that if any request for the shifting of the transformer, with an undertaking to meet the expenses, is put forth by the writ



W.P.(MD) No.24435 of 2018

petitioner, the same shall be considered and the transformer may be shifted to an alternate place if it is feasible. Also, the TANGEDCO can explore the possibility of a waiver of the shifting cost to the possible extent if it is permissible under the Tamil Nadu Electricity Supply Code.

10. With the above observations, this Writ Petition is disposed of.

No costs.

[G.J., J.] & [K.K.R.K., J.]

03.12.2025

JEN

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

Speaking Order / Non-Speaking Order

Copy To:

1.The Assistant Engineer,
O/o. Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Tamil Sangam Road, Madurai.

2.The Commissioner,
Madurai Corporation,
Corporation Office,
Madurai.



WEB COPY



W.P.(MD) No.24435 of 2018

DR. G. JAYACHANDRAN, J.

AND

K.K. RAMAKRISHNAN, J.

JEN

W.P.(MD) No.24435 of 2018

03.12.2025