

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19891 of 2015

M/s.D.S.Kulkarni Developers Ltd.,
Rep by its P.K.Raghukumar

...Petitioner

Vs.

1 The Assistant Executive
Engineer Operation and Maintenance
New Colony CEDC/ South
Tambaram Chennai-45.

2 Mr.Selvaraj

3 Mr.Gopi

4 The Electrical Inspector
TNEB Tambaram Division No.2
Karumariamman Avenue
West Tambaram Chennai-45.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records from the 1st respondent pertaining to the impugned demand of Safety Notice No.UPO/ E&P/ New Colony/ Ko.Kattu/ A.No.49/ Dt.16.3.2015 issued by the 1st respondent and quash the same and consequently to direct the 1st respondent to give supply to the petitioner constructed premises in situated at Old No.129 (88) New No.23 Pammal Village Tambaram Taluk, Kancheepuram District, M.G.R. Street, Sholavaram Nagar comprised in S.No.208/20 (Old S.No.208/3A) without demanding any bribe).

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.P.Gunaraj for R1 and R4

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that it is promoting dwelling houses and is one of the reputed real estate developers in India and are doing construction work without any deviation from law and from the plan approved by the concerned Authority. Petitioner would submit that for the purpose of putting up multi-storeyed construction it had purchased the land situated in Old No.129(88), New No.23, Pammal Village, Tambaram Taluk, Kancheepuram District M.G.R. Street, Sholavaram Nagar, comprised in S.No.208/20 (Old S.No.208/3A) admeasuring to an extent of about 2 acres and 85 cents by means of a registered sale deed.

3.The petitioner would further state that it has also got approval from the Chennai Metropolitan Development Authority (CMDA) on 15.11.2010 and the local body also and accordingly the petitioner has completed the superstructure of multi-storeyed buildings. The petitioner thereafter approached the first respondent for providing electricity service connection and after assessment, the petitioner was called upon to remit a sum of Rs.30,37,250/- apart from demanding illegal gratification. The petitioner has repeatedly approached the first respondent in this regard number of times and he inturn directed them to produce the completion certificate and it was also submitted.

4.The grievance expressed by the petitioner is that inspite of the fact that all the formalities have been complied with, the electricity service connection has not been given, and the first respondent vide letter dated 16.03.2015 has informed that since the power lines are proximate to the superstructure put up by the petitioner, it has to get a safety certificate from the Chief Electrical Inspector. The petitioner challenging the legality of the said order, has filed this writ petition.

5.Mr.P.Vijendran, learned counsel appearing for the petitioner would submit that by applying the relevant laws retrospectively, the relief sought for by the petitioner is sought to be denied by the first respondent and since the petitioner refuses to pay the extraneous consideration, issuance of No Objection Certificate is purposely delayed and since the petitioner has invested so much in the project, it is left with no option except file such an application to the Electrical Engineer, Tambaram Division, Chennai and the said Official may be directed to dispose of the application as expeditiously as possible.

6.Per Contra, Mr.P.Gunaraj, learned Standing Counsel who accepts notice on behalf of the respondents 1 and 4 would submit that the petitioner is making false and un-tenable allegations, without any basis and on merits of the case, would contend that the competent authority is the Chief Electrical Inspector, Guindy, Chennai 600 032 and that the petitioner may be directed to approach the said Official for the relief and the application will be disposed of within the stipulated time as ordered by this Court.

7.This Court in the light of the facts and circumstances, without going into the merits of the claim projected by the petitioner permits the petitioner to submit the necessary application to the Chief Electrical Inspector, Guindy, Chennai 600 032 within a period of two weeks from the date of receipt of a copy of this order and the said Official on receipt of the same is directed to consider the same and pass orders in accordance with law within a period of four weeks thereafter and communicate the decision taken, to the petitioner.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Chief Electrical Inspector,
Guindy, Chennai 600 032.
- 2 The Assistant Executive
Engineer Operation and Maintenance
New Colony CEDC/ South Tambaram Chennai-45.
- 3 The Electrical Inspector
TNEB Tambaram Division No.2 Karumariamman
Avenue West Tambaram Chennai-45.

- 1 CC to Mr.P.Vijendran, Advocate SR.No.
1 CC to Mr.P.Gunaraj, Advocate SR.No.

W.P.No.19891 of 2015

NM (CO) PSI (10.07.2015)