

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14382 of 2016

&

WMP No. 12573 of 2016

L.R.Ravi Prasad

[PETITIONER]

Vs.

- 1 The Chairman
Tamil Nadu Electricity Board
No.144 Anna Salai, Chennai 600 002.
2. The Chief Engineer/South
Tamil Nadu Electricity Board
No.144 Anna Salai, Chennai 600 002.
- 3 The Superintending Engineer CEDC/WEST
Thirumangalam, Chennai.
- 4 The Divisional Engineer/ CEDC/WEST
Tamil Nadu Electricity Board
Thirumangalam, Chennai 600 040.
- 5 The Additional Divisional Engineer/CEDC/WEST
Tamil Nadu Electricity Board
Thirumangalam, Chennai 600 040
- 6 The Assistant Engineer
Tamil Nadu Electricity Board
Koyambedu Market, Chennai 600 107
- 7 The Assistant Executive Engineer
Arumbakkam, Chennai 600 106.
- 8 K.Malairajan
Councilor - Ward No.127
Corporation of Chennai
Residing at No.27 Thangal Kulakarai Salai
Virugambakkam, Chennai 600 092.

[RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to forbear the respondents herein from erecting the Electricity

Post in the petitioners land measuring Acre 3.60 cents situate at Survey No. 147 and 148 Koyambedu Village', Egmore-Nungambakkam Taluk, Chennai District without following due process of law and to restore the petitioners land to its original position.

For Petitioner : Mr.M.Venkatachalapathy, Sr.Counsel
for Mr.M.Sriram

For Respondents : Mr.P.R.Dhilip Kumar-R1 to R7
Standing Counsel for TNEB

O R D E R

Heard Mr.M.Venkatachalapathy, learned Senior Counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned Standing Counsel accepting notice for the respondents 1 to 7 and since this Court does not propose to pass any adverse orders against the 8th respondent who is said to be the Ward Councillor, notice to the 8th respondent is dispensed with. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner seeks for issuance of a writ of mandamus to forbear the respondents from erecting Electricity Post in his land comprised in Survey No.147 and 148, Koyambedu Village, measuring an extent of Acre 3.60 cents, without following due process of law.

3.The petitioner would state that the land in question is his private patta land and an attempt was made by the Corporation of Chennai to lay a road in the said property. That was objected by the petitioner and the petitioner has also filed a Writ Petition in W.P.No.25852 of 2014, in which an interim order of status quo has been granted on 22.09.2014 and the Writ Petition is still pending and the interim order of status quo is in force.

4.The petitioner sought for appropriate information from the Mayor of the Chennai Corporation as regards the action initiated by the Corporation of Chennai for the purpose of laying a road and a reply was received on 15.12.2014, stating that since the case is pending before this Court filed by the petitioner, the further action for forming 'thar' road has been kept in abeyance. The petitioner is said to have filed a Contempt Petition alleging wilful disobedience of the interim order granted in the said Writ Petition. Whiles, now the petitioner would state that the respondent Board is attempting to place the electricity post in the said land.

5.Mr.P.R.Dhilip Kumar, learned Standing Counsel appearing for the respondents 1 to 7, on instructions submitted that as of now no action has been initiated by the Board to erect any electricity post.

6.In the light of the above, till the dispute as regards the land in question is resolved, the respondent Board shall not take any action for placing the electricity pole or a transformer or any other electrical installation in the land in question, till the Writ Petition filed by the petitioner in W.P.No.25852 of 2014, is heard and disposed of.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

r p a

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

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Koyambedu Market, Chennai 600 107
- 7 The Assistant Executive Engineer
Arumbakkam, Chennai 600 106.

+ 1 cc to Mr.M.Sriram, Advocate Sr 24675

+ 1 cc to Mr.P.R.Dhilip Kumar, Advocate Sr 24460

KR/22/4/16

W.P.No.14382 of 2016