

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HALUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.18757 of 2016

M.Mohan

.. Petitioner

-vs-

1. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003
2. The Chief Engineer
Corporation of Chennai
Zone III Division-7
Madhavaram
Chennai 600 051
3. The Assistant Engineer cum Zonal Officer
Corporation of Chennai
Zone III Division-7, Ward 28
Madhavaram, Chennai 600 051
4. Mr.Chandrasekar
5. Executive Engineer
Tamil Nadu Electricity Board
TANGEDCO (O & M)
Madhavaram
Chennai 600 051
6. The Assistant Engineer
Tamil Nadu Electricity Board
No.3, Muthumari Amman Koil Street
M.G.R.Nagar, Manali, Chennai-68
7. M.Murugan
8. P.Janardhanan
9. E.Gowri

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 3 to demolish the illegal construction put up by the respondents 7 to 9 at No.20B, Moolachathiram Main Road, Moolachathiram, Madhavaram Milk Colony, Chennai 600 051 in Survey No.103/1B, 103/2A and 104/2A2 and consequently direct the respondents 5 & 6 to disconnect electricity service connection given to the petition property mentioned above in the name of respondents 7 to 9.

For Petitioner :: Mr.M.Kalyanasundaram
Senior Counsel for
Mr.N.Dharanikumar

For Respondents:: Mr.Arunmozhi
Standing Counsel for R1 to R3

ORDER

(Order of the Court was delivered by HALUVADI G.RAMESH, J.)

The petitioner seeks for issuance of a writ of mandamus, directing the respondents 1 to 3 to demolish the illegal construction put up by the respondents 7 to 9 at No.20B, Moolachathiram Main Road, Moolachathiram, Madhavaram Milk Colony, Chennai 600 051 in Survey No.103/1B, 103/2A and 104/2A2 and consequently direct the respondents 5 & 6 to disconnect the electricity service connection given to the petition property mentioned above in the name of respondents 7 to 9.

2. After hearing the learned senior counsel for the petitioner for sometime, he sought to withdraw the writ petition with liberty to the petitioner to file a suit before the appropriate civil Court asserting his right and title over the property and also seeking for appropriate remedy of injunction, etc.

3. In view of the said submission, the writ petition is dismissed as withdrawn with the liberty as sought for. However, it is for the petitioner to give a representation to the local authority/Corporation not to permit the respondents 7 to 9 to put up further construction and to take action in accordance with law against them for having proceeded to put up the construction without there being a sanctioned plan and further he can make a representation to the Electricity Board (TANGEDCO) not to extend the electricity connection to the petition property, which would be considered by the

respondents/authorities in accordance with law. Consequently,
W.M.P.No.16372 of 2016 is also dismissed. No costs.

-s/d-
Assistant Registrar (CSVI)

True Copy

Sub-Assistant Registrar

ss

To

1. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003
2. The Chief Engineer
Corporation of Chennai
Zone III Division-7
Madhavaram
Chennai 600 051
3. The Assistant Engineer cum Zonal Officer
Corporation of Chennai
Zone III Division-7, Ward 28
Madhavaram
Chennai 600 051
4. The Executive Engineer
Tamil Nadu Electricity Board
TANGEDCO (O & M)
Madhavaram
Chennai 600 051
5. The Assistant Engineer
Tamil Nadu Electricity Board
No.3, Muthumari Amman Koil Street
M.G.R.Nagar, Manali,
Chennai 600 068

+1 cc to M/s.R.Arunmozhi Advocate sr.29578

W.P.No.18757 of 2016

aa14/06/2016