

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.03.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.7556/2016 & WMP.No.6788/2016

S.Munuswamy Chowdry

..Petitioner

Versus

1.The Divisional Engineer,
TNEB, Mullai Nagar
Tambaram [West]
Chennai-45.

2.The Assistant Executive Engineer,
TNEB, Mullai Nagar, Tambaram
Chennai-45.

3.M/s.Pace Builders Pvt Ltd
rep. by Rajasekaran
B-58 Anna Nagar East
Chennai-102.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 herein to dispose of the representation of the petitioner's dated 26.12.2015 to the respondents herein by the installation of the transformer in the premises in Old S.No.31/1B, 1C, 1D, 1E, 2A & 33/1A and the corresponding New T.S.Nos.are 9/9, 9/10, 9/11, 9/12, 9/13 and 15/2 measuring 1 acre and 26 cents in Block No.19, Tambaram village, Kancheepuram District in violation of the planning permission accorded to the 3rd respondent by the CMDA dated 25.09.2012 in B1/6777/2011 dated within the time frame fixed by this Court.

For Petitioner : M/s.R.T.Shyamala

For Respondents: Mr.S.K.Rameshwar for RR1&2

ORDER

Heard the learned counsel appearing for the petitioner ; and Mr.S.K.Rameshwar, learned Standing counsel accepting notice on behalf of the respondents 1 and 2 and with their consent, the writ petition is taken up for final disposal at the admission stage.

2 The petitioner seeks for issuance of a writ of mandamus to direct the respondents 1 and 2 to consider his representation dated 26.12.2015 within a time frame.

3 The petitioner is the resident of V.O.C. Street, West Tambaram, Chennai-45. He has sent a representation dated 26.12.2015 to the 2nd respondent objecting to a transformer being erected for the Apartment complex constructed by the 3rd respondent in the property which is adjacent to the petitioner's property. In the said representation, the petitioner has stated that he has approached the Civil Court and filed a suit in OS.No.122/2013 on the file of the Sub court, Tambaram and the Sub court is said to have granted an order of Status Quo in IA.No.470/2014 and alleging disobedience of the interim order, it is stated that a contempt petition has been filed. From the copy of the order of the status quo granted by the Civil Court, filed in the typed set of papers, it is seen that the Electricity Board is not a defendant in the suit. In any event, a representation is pending before the 2nd respondent and the learned counsel for the petitioner submitted that the petitioner would be satisfied if the 2nd respondent is directed to consider his representation.

4 Since the writ petition is disposed of at the admission stage without notice to the 3rd respondent, the merits of the allegations made by the petitioner against the 3rd respondent are not gone into, more particularly, in the light of the fact that the matter is pending before the civil court. However, there will be a direction to the 2nd respondent to take note of the petitioner's representation dated 26.12.2015, issue notice to the petitioner and the 3rd respondent and pass a reasoned order on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

5 The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

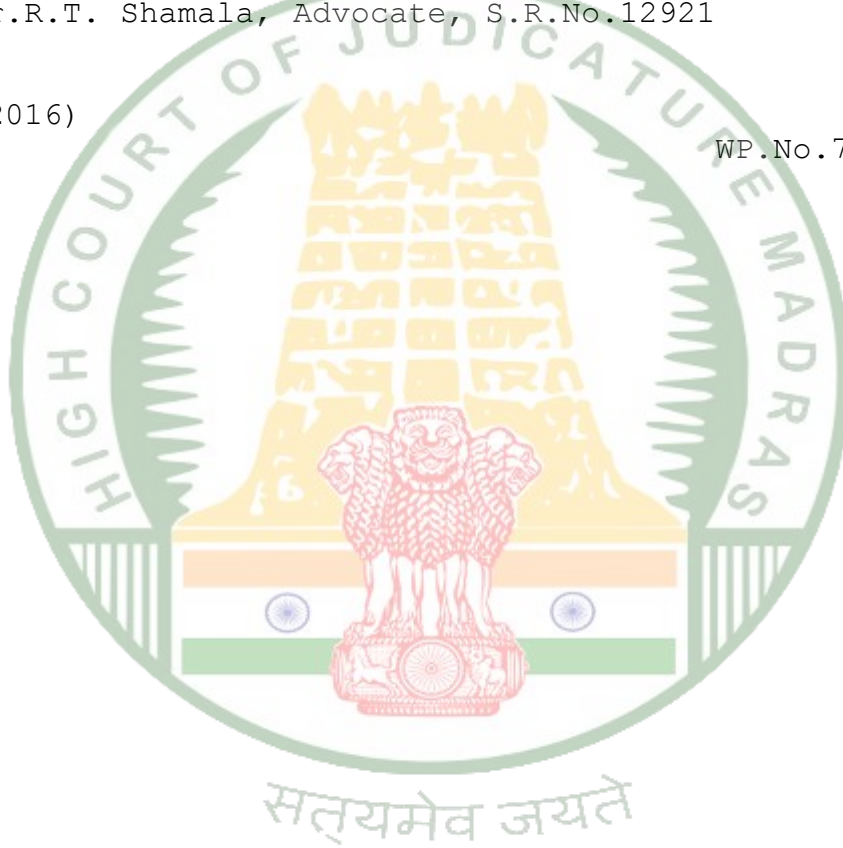
To

- 1.The Divisional Engineer,
TNEB, Mullai Nagar, Tambaram [West]
Chennai-45.
- 2.The Assistant Executive Engineer,
TNEB, Mullai Nagar, Tambaram
Chennai-45.

+lcc to Mr.S.K. Rameshwar, Advocate, S.R.No.12971
+lcc to Mr.R.T. Shamala, Advocate, S.R.No.12921

KJI (CO)
EU(14/03/2016)

WP.No.7556 of 2016



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