

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1786 of 2017

G.Venkatakrishnan

... Petitioner

-vs-

1. The Secretary
The Government of Tamil Nadu
Housing and Urban Development Department
Secretariat, Chennai 600 009
2. The Executive Engineer
Maintenance and Operation, ITC
Tamil Nadu Electricity Board
Chennai
3. The Assistant Executive Engineer
Maintenance and Operation
Tamil Nadu Electricity Board
Sholinganallur, Chennai
4. The Assistant Engineer
Maintenance and Operation
Chennai Electricity South
Tamil Nadu Electricity Board
Thuraipakkam
Chennai 600 097

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 2 to 4 herein not to disconnect the old electricity service connection with No.214-007-1974 in premises plot No.156, old No.947/1, No.118, Mount Betten Street, Mettu Kuppam, Thuraipakkam, Chennai 600 097 as per the Notice of the fourth respondent dated 25.10.2016 in his letter No.U.Po./E.Pa./thuraipakkam 175/2016 till the disposal of the appeal submitted on 13.04.2015 for regularisation of the construction regarding car parking area in the above premises pending with the first respondent.

For Petitioner:: Mr.S.Balasubramanian

For Respondents:: Mr.M.Elumalai
Government Advocate for R1
Mr.S.K.Rameshuwar for R2 to 4

ORDER

This writ petition has been filed by Mr.G.Venkatakrisnan seeking issuance of a mandamus, directing the Executive Engineer, Maintenance and Operation, ITC, Tamil Nadu Electricity Board, the Assistant Executive Engineer, Maintenance and Operation, Tamil Nadu Electricity Board, Sholinganallur and the Assistant Engineer, Maintenance and Operation, Tamil Nadu Electricity Board, Thuraipakkam, the respondents 2 to 4 not to disconnect the old electricity service connection with No.214-007-1974 in premises plot No.156, old No.947/1, No.118, Mount Betten Street, Mettu Kuppam, Thuraipakkam, Chennai 600 097 as per the Notice of the fourth respondent dated 25.10.2016 in his letter No.U.Po./E.Pa./thuraipakkam 175/2016 till the disposal of the appeal submitted on 13.04.2015 for regularisation of the construction regarding car parking area in the above premises pending with the first respondent.

2. Learned counsel for the petitioner submitted that the petitioner has carried out construction work in Plot No.156, Door No.118, Mount Betten Street, Mettu Kuppam, Thuraipakkam, Chennai by making a small change in the car parking area, which has given rise to the issuance of notice by the Corporation of Chennai against the petitioner for taking suitable action. Immediately the petitioner brought to the notice of the Corporation authorities about the steps taken by him for regularisation of the construction by the Chennai Metropolitan Development Authority. But the Chennai Metropolitan Development Authority refused to regularise the plan. Therefore, as the petitioner is entitled to file a statutory appeal against the said order passed by the Chennai Metropolitan Development Authority, an appeal was filed on 13.4.2015 before the first respondent Government, which is admittedly pending. When the order passed by the Chennai Metropolitan Development Authority refusing to regularise the plan of the petitioner has already become the subject matter of the statutory appeal before the Government, the fourth respondent ought not to have issued a letter objecting to the continuance of the old electricity service connection stating that the said connection has to be disconnected. This was brought to notice of the respondents 2 to 4 clearly mentioning that suitable steps have been taken to regularise the construction made in the car parking area and further it was made clear that the petitioner has not

contravened any of the provisions of the Indian Electricity Act. In any event, as the regularisation of construction in a portion of the car parking area is pending for consideration in the statutory appeal, the respondents 2 to 4 should be directed not to disconnect the old electricity service connection.

3. Mr.S.K.Rameshuwar, learned standing counsel takes notice on behalf of the respondents 2 to 4. Mr.M.Elumalai, learned Government Advocate takes notice on behalf of the first respondent.

4. I find merits in the submissions made by the learned counsel for the petitioner. When the request made by the petitioner to the Chennai Metropolitan Development Authority to regularise the construction work in his plot No.156, Door No.118, Mount Betten Street, Mettu Kuppam, Thuraipakkam, Chennai was rejected by the said authority, consequently the petitioner has filed a statutory appeal and the same is pending before the Government. Therefore, when the statutory appeal is pending for consideration, in all fairness, the respondents 2 to 4 shall have to wait till the order is passed by the statutory authority. Otherwise, the purpose of statutory appeal will become meaningless. Hence the writ petition is disposed of with a direction to the respondents 2 to 4 not to disconnect the electricity service connection No.214-007-1974 in the premises in question till the disposal of the statutory appeal. Consequently, W.M.P.No.1770 of 2017 is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai 600 009.
2. The Executive Engineer,
Maintenance and Operation, ITC,
Tamil Nadu Electricity Board,
Chennai.

3. The Assistant Executive Engineer,
Maintenance and Operation,
Tamil Nadu Electricity Board,
Sholinganallur, Chennai.

4. The Assistant Engineer
Maintenance and Operation
Chennai Electricity South
Tamil Nadu Electricity Board
Thuraipakkam
Chennai 600 097.

+1cc to the Government Pleader Sr.5064
+1cc to Mr.S.K.Rameshuwar, Advocate Sr.4592
+1cc to Mr.S.Balasubramanian, Advocate Sr.4651

W.P.No.1786 of 2017

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srg 6/3/2017



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