

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.12496 and 12497 of 2018
and

W.M.P.Nos.14636 and 14637 of 2018

V.V.Viswanadh
S/o.Anjaneya Sharma ... Petitioner in W.P.No.12496/2018

G.Ratna Sekari
W/o.G.Lakshmana Rao ... Petitioner in W.P.No.12497/2018
Vs

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
- 2.The Executive Engineer,
Zone X, Greater Chennai Corporation,
N.S.K.Salai, Kodambakkam,
Chennai.
- 3.The Assistant Executive Engineer,
TANGEDCO, T.Nagar, South,
No.57, Panagal Road,
T.Nagar, Chennai - 600 017. .. Respondents in both W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to restore the electricity supply to the premises in the second floor at No.1, Varadharajan Mudali Street, T.Nagar, Chennai - 600 017, bearing electricity service Consumer Numbers 223:048:173 and 223:048:278.

For Petitioners : Mr.G.Sivakumar
[in both W.Ps.]
For Respondents : Mr.G.Anandha Rangan,
Standing Counsel [R1 & R2]
Mr.P.R.Dhilip Kumar [R3]

C O M M O N O R D E R

[Order of the Court was made by M.SATHYANARAYANAN, J]

By consent, both writ petitions are taken up for final disposal and they are disposed of by this common order, since the relief sought for is similar in nature.

2. Petitioners claim to be owners of flat bearing No.1, second floor, Varadharajan Mudali Street, T.Nagar, Chennai - 600 017, bearing electricity service Consumer Numbers 223:048:173 and 223:048:278 respectively. It is further averred that one S.Sampath has filed W.P.No.20728 of 2017 alleging unauthorised/deviated construction of the building bearing No.1, Varadharajan Street, T.Nagar, Chennai - 600 017 and it was entertained and vide interim order dated 09.01.2018, electricity service connection granted to the entire premises was ordered to be disconnected and accordingly, the same was disconnected.

3. Learned counsel for the petitioners would submit that in the said writ petition, one Mr.Suthanthira Gandhi, who is also one of the flat owners, filed W.M.P.No.11573 of 2018 praying for restoration of electricity service connection and it was ordered on 23.04.2018 and the main writ petition itself came to be disposed of on the same day by permitting persons aggrieved to avail the alternative remedy u/s.80-A of the Town and Country Planning Act.

4. Per contra, Mr.G.Anandha Rangan, learned senior counsel for the respondents 1 and 2, would submit that re-inspection of the entire premises was once again done and deviations have been noted, for which a fresh lock and seal notice will be issued and further aver that the petitioners are using the premises for residential purposes only and this Court may pass appropriate orders.

5. This Court has considered the rival submissions and also perused the materials available on record.

6. Petitioners are purchasers of the respective flats and it is their stand that at the time of purchase, they were not put on notice for alleged deviation/violation. Be that as it may, the fact remains that in respect of one of the flat owners, who is similarly placed like that of the petitioners, this Court, in W.M.P.No.11573 of 2018 in W.P.No.20728 of 2017, has restored the electricity service connection. It is also brought to the knowledge of this Court that the petitioners are suffering without basis amenities for the past four months. Taking into consideration the fact that the premises are duly used for residential purposes and that petitioners and their family

members are also suffering for want of basic amenities, this Court is inclined to order restoration of electricity service connection.

In the result, the Writ Petitions are disposed of directing the third respondent to restore electricity service connection granted to the premises in question bearing service Consumer Numbers 223:048:173 and 223:048:278 forthwith subject to the fulfillment of the relevant norms and regulations. The orders passed in these writ petitions are without prejudice to the rights of the Corporation of Chennai to proceed in accordance with law in the event of any offending/unauthorised/deviated constructions. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.

2.The Executive Engineer,
Zone X, Greater Chennai Corporation,
N.S.K.Salai, Kodambakkam,
Chennai.

3.The Assistant Executive Engineer,
TANGEDCO, T.Nagar, South,
No.57, Panagal Road,
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SVI (CO)

sm:28.6.2018

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