

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.18045 of 2010

Rajalakshmi

...Petitioner

Vs.

1.The Commissioner,
Salem Corporation,
Salem - 636 001.

2.The Superintendent of Engineer,
Salem Main Office,
Tamil Nadu Electricity Board,
Udayapatty,
Salem - 636 014.

3.The Assistant Engineer,
Operation and Maintenance,
Thiruvagoundanur Office,
Tamil Nadu Electricity Board,
Salem - 636 005.

4.M.Chandradasan

....Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 herein to consider the objections of the petitioner for granting plan approval for construction in the property comprised in Government Survey No.54/7, situated at Podinaickenpatti Village, Salem Taluk and District herein in accordance with law within a time frame.

For Petitioner : Mr.N.Sekar

For R1 : Mr.L.Kishore
for M/s.Sridhar Associates

For R2 & R3 : Mr.J.Ravindran

For R4 : Mr.N.Thiagarajan

ORDER

This writ petition is filed for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider the objections of the petitioner for granting plan approval for construction in the property comprising in Government Survey No.54/7, situated at

Podinaickenpatti Village, Salem Taluk and District.

2. The case of the petitioner is that she is absolute owner of the property measuring an extent of 322 ½ Sq.ft of undivided share of land in a total extent of 2580 Sq.ft in Government Survey No.54/7, by virtue of the settlement deed, dated 05.07.2007. While so, the 4th respondent started putting up construction in the property without proper approval from the first respondent. So, the petitioner filed a suit in O.S.No.800 of 2009 on the file of District Munsif, Salem for permanent injunction and another suit in O.S.No.823 of 2009 for injunction, not to grant plan approval and electricity connection to the 4th respondent.

3. In the counter affidavit filed by the 4th respondent, it has been stated that he has got approval of building plan and constructed the building within the boundaries of his land and also obtained electricity service connection.

4. It is further stated that the 4th respondent has not encroached the property of the petitioner and the suits filed by the petitioner in O.S.No. 823 of 2009 and O.S.No.800 of 2009 were dismissed. It is further stated that the settlement deed executed in favour of the petitioner dated 05.07.2007 was cancelled by her husband, by a deed of revocation dated 27.12.2012.

5. In the light of the above facts, this Court is of the opinion that the petitioner has no merits in this writ petition. The writ petition fails and the same is dismissed accordingly. No costs.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

msrm

To

1.The Commissioner,
Salem Corporation,
Salem - 636 001.

2.The Superintendent of Engineer,
Salem Main Office,
Tamil Nadu Electricity Board,
Udayapatty,
Salem - 636 014.

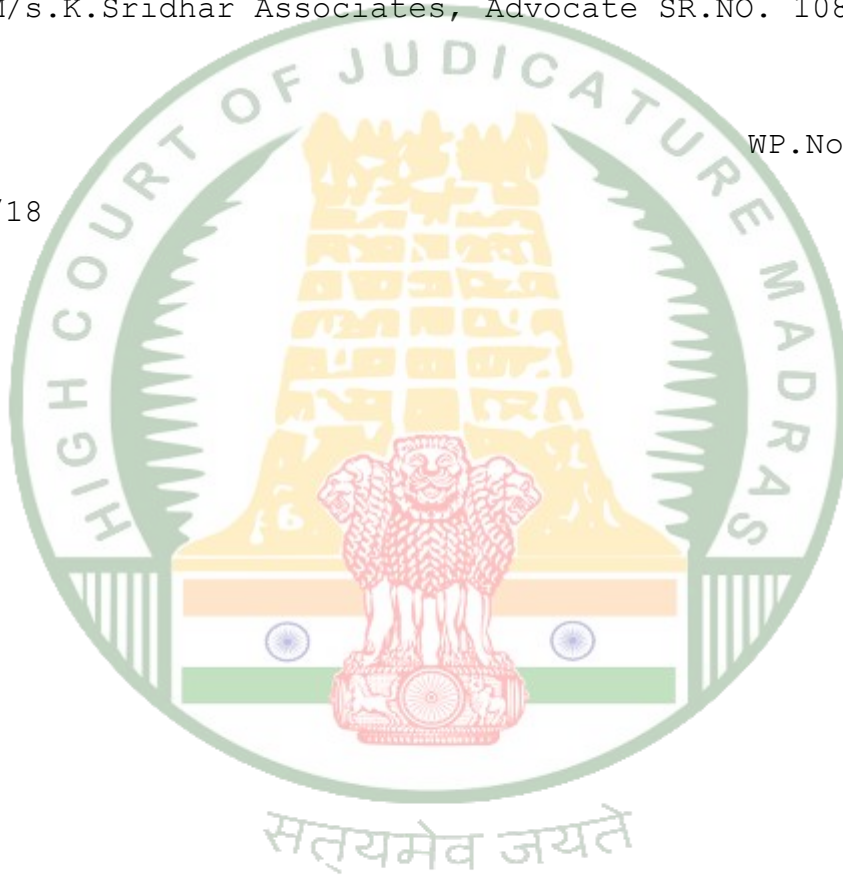
3.The Assistant Engineer,
Operation and Maintenance,
Thiruvagoundanur Office,
Tamil Nadu Electricity Board,
Salem - 636 005.

+1 cc to Mr.N.Thiagarajan, Advocate SR.NO. 10795

+1 cc to M/s.K.Sridhar Associates, Advocate SR.NO. 10892

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RRI 27/02/18



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