

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.12654 of 2019

B.M.Chandrasekaran

... Petitioner

-vs-

1. The Assistant Executive Engineer/O & M
TANGEDCO, Chennai EDC/West
Korattur
Chennai 600 076

2. The Assistant Engineer/O & M
Annai Nagar, TANGEDCO
Chennai EDC/West
Korattur
Chennai 600 076

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to provide electricity connection to the petitioner building situated at Plot No.2B, Ring Road, Cannal Road, Sithamman Nagar, Korattur by considering the petitioner's application dated 16.02.2019.

For Petitioner :: Mr.K.Sasindran

For Respondents :: Mr.P.R.Dhilip Kumar
Standing Counsel

ORDER

This writ petition has been unnecessarily filed without there being any foundation or legal right, seeking a mandamus from this Court. The learned counsel for the petitioner stated that the petitioner has purchased the property comprised in Survey No.59-A at Korattur Village situated at Ring Road, Korattur measuring 646 sq.ft., which is coming under the jurisdiction of the Chennai Corporation and he has also constructed a building with two small shops for his own purpose. Due to some complaint given by his neighbours to the Chennai Corporation, he was issued with an order of lock and seal dated

30.8.2018. Aggrieved by the said proceeding dated 30.8.2018, he filed Writ Petition No.23300 of 2018, but withdrew the same subsequently on 6.9.2018 with liberty to file an appeal before the appropriate authority. Thereafter, he has also preferred a statutory appeal on 10.9.2018 under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 and the same is also pending. In the meanwhile, the petitioner moved an application on 16.2.2019 to the respondent-Electricity Department seeking electricity service connection to his building under commercial tariff. The said application has not been considered. Therefore, he has been advised to come to this Court.

2. This Court is unable to find any merit whatsoever in the prayer, for the following reasons. Firstly, it is the admitted case of the petitioner that when he had put up the building with two shops, taking note of the fact that the said building had been put up without taking prior permission from the Greater Chennai Corporation, the Executive Engineer, Zone-VII (Ambattur), exercising his power under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act as amended by Act 61 of 2008, issued a notice of demolition stating that the petitioner had put up an unauthorised building at Door No.2A, Seeyathamman Nagar, 200 feet Road junction of Canal Road, Korattur, Chennai. The said proceeding dated 30.8.2018 also clearly shows that the petitioner has not given any reply whatsoever against the lock and seal and demolition notice dated 10.7.2018. Therefore, when the petitioner was already issued with a notice of lock and seal on 10.7.2018, the petitioner should not have asked for the electricity service connection before the appeal said to have been filed by him before the competent authority is decided in his favour. Hence, this Court, taking note of the fact that the petitioner has come to this Court without there being any basis or cause of action, that too, as against the proceeding dated 30.8.2018 calling upon the petitioner to give his reply as to why his unauthorised construction should not be demolished, is constrained to impose costs of Rs.5,000/- payable by the petitioner to the High Court Legal Services Committee within a period of four weeks from the date of receipt of a copy of this order and the Secretary of the High Court Legal Services Committee is directed to collect the costs in the manner known to law. With this direction, the writ petition stands dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

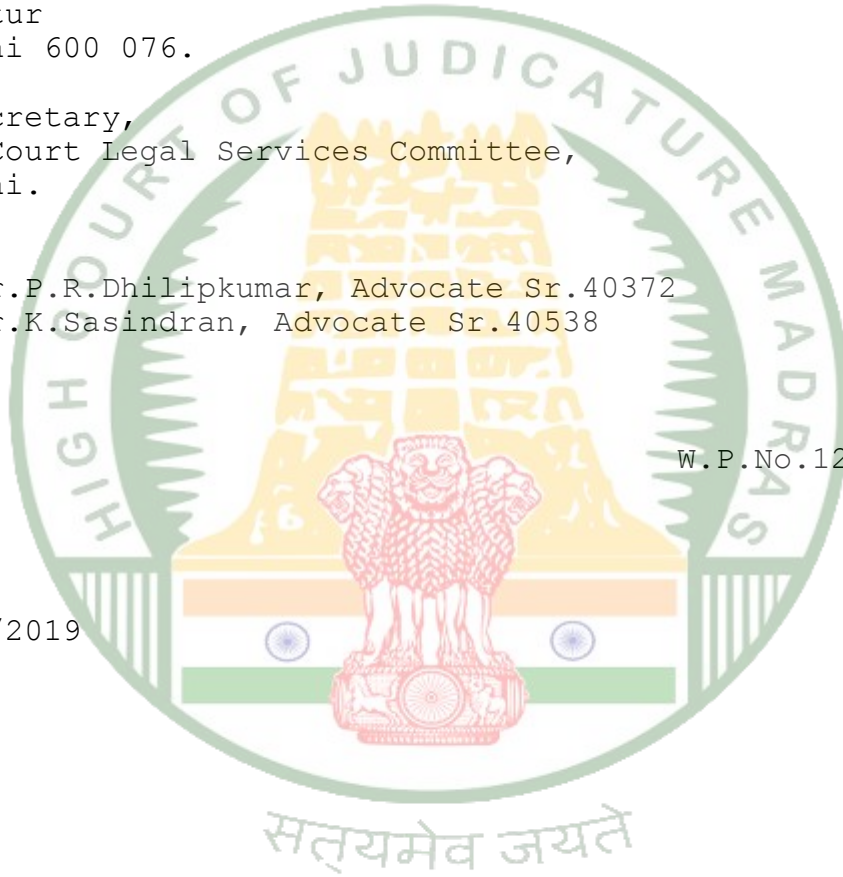
To

1. The Assistant Executive Engineer/O & M
TANGEDCO, Chennai EDC/West
Korattur
Chennai 600 076.
2. The Assistant Engineer/O & M
Annai Nagar, TANGEDCO
Chennai EDC/West
Korattur
Chennai 600 076.
3. The Secretary,
High Court Legal Services Committee,
Chennai.

+1cc to Mr.P.R.Dhilipkumar, Advocate Sr.40372
+1cc to Mr.K.Sasindran, Advocate Sr.40538

W.P.No.12654 of 2019

kk[co]
srg 03/07/2019



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