

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Nineteenth day of November Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

and

THE HON`BLE MR JUSTICE RMT. TEEKAA RAMAN

WMP.Nos.31605, 30946, 30949, 30967, 30968, 30969 & 31606 of 2019

in

WP.Nos.29938, 29744, 29748, 29752, 29906, 29912 & 30322 of 2019

C.KARTHEESAN ...PETITIONER in WMP No.31605 of 2019

S.BHAWARLAL ...PETITIONER in WMP No.30946 of 2019

K.VASUMATHI ...PETITIONER in WMP No.30949 of 2019

S.EDISON ...PETITIONER in WMP No.30967 of 2019

N.GANDHIMATHI ...PETITIONER in WMP No.30968 of 2019

K.CHELLAPANDIAN ...PETITIONER in WMP No.30969 of 2019

1 G.JAYANTHI ...PETITIONERS in WMP No.31606 of 2019

2 R.GANESHKUMAR

सत्यमेव जयते Vs

1 THE SECRETARY TO GOVERNMENT ... RESPONDENT in WMP No.31605/19
HOUSING AND URBAN DEVELOPMENT
DEPARTMENT FORT.ST.GEORGE CHENNAI-9

2 THE COMMISSIONER
CORPORATION OF CHENNAI PARK TOWN CHENNAI.

3 THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
THALIMUTHU NATARAJAN MALIGAI NO 11 GANDHI
IRWIN ROAD CHENNAI.

4 THE REGIONAL DEPUTY COMMISSI
ONER (SOUTH) ENFORCEMENT CELL ADYAR
CHENANI-20

5 THE EXECUTIVE ENGINEER- I
ZONE-13 GREATER CHENNAI CORPORATION ADYAR
CHENNAI-20

1 THE SECRETARY TO GOVERNMENT ... RESPONDENT in WMP No.30946/19
HOUSING AND URBAN DEVELOPMENT DEPARTMENT
FORT GEORGE CHENNAI 600 009.

2 THE COMMISSIONER
CORPORATION OF CHENNAI PARK TOWN CHENNAI

3 THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
THALAIMUTHU NATARAJAN MALIGAL NO. 11 GANDHI
IRWIN ROAD CHENNAI

4 THE REGIONAL DEPUTY COMMISSIONER (SOUTH) ENFORCEMENT CELL ADYAR
CHENNAI 600 020

5 THE EXECUTIVE ENGINEER I
ZONE 13 GREATER CHENNAI CORPORATION ADYAR
CHENNAI 600 020

1 THE SECRETARY TO GOVERNMENT ... RESPONDENT in WMP No.30949/19
HOUSING AND URBAN DEVELOPMENT DEPARTMENT
FORT GEORGE CHENNAI 600 009.

2 THE COMMISSIONER
CORPORATION OF CHENNAI PARK TOWN CHENNAI

3 THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
THALAIMUTHU NATARAJAN MALIGAL NO. 11 GANDHI
IRWIN ROAD CHENNAI

4 THE REGIONAL DEPUTY COMMISSIONER (SOUTH) ENFORCEMENT CELL ADYAR
CHENNAI 600 020

5 THE EXECUTIVE ENGINEER I
ZONE 13 GREATER CHENNAI CORPORATION ADYAR
CHENNAI 600 020

1 THE SECRETARY TO THE GOVERNMENT ... RESPONDENT in WMP No.30967/19
HOUSING AND URBAN DEVELOPMENT DEPARTMENT GOVERNMENT OF TAMIL NADU
SECRETARIAT CHENNAI 600 009.

2 THE PRINCIPAL SECRETARY
MEMBER SECRETARY CHENNAI METROPOLITAN
DEVELOPMENT AUTHORITY THALAIMUTHU NATARAJAN
MALAIGAI NO.11 GANDHI IRWIN ROAD CHENNAI
CHENNAI 600 008.

- 3 THE COMMISSIONER
GRREATER CHENNAI CORPORATION RIPPON
BUILDINGS CHENNAI 600 003.
- 4 THE REGIONAL DEPUTY COMMISSI
ONER (SOURTH) ENDORCEMENT CELL ADYAR
CHENNAI 600 020.
- 5 THE EXECUTIVE ENGINEER -I
REGIONAL JOINT COMMISSIONER (SOUTH) ZONE 13
ADYAR CHENNAI 600003.
- 1 THE SECRETARY TO THE ... RESPONDENT in WMP No.30968 of 2019
GOVERNMENT HOUSING AND URBAN DEVELOPMENT
DEPARTMENT GOVERNMENT OF TAMIL NADU
SECRETARIAT CHENNAI 600 009.
- 2 THE PRINCIPAL SECRETARY
MEMBER SECRETARY CHENNAI METROPOLITAN
DEVELOPMENT AUTHORITY THALAIMUTHU NATARAJAN
MALAIGAI NO.11 GANDHI IRWIN ROAD CHENNAI
CHENNAI 600 008.
- 3 THE COMMISSIONER
GRREATER CHENNAI CORPORATION RIPPON
BUILDINGS CHENNAI 600 003.
- 4 THE REGIONAL DEPUTY COMMISSI
ONER (SOURTH) ENDORCEMENT CELL ADYAR
CHENNAI 600 020.
- 5 THE EXECUTIVE ENGINEER -I
REGIONAL JOINT COMMISSIONER (SOUTH) ZONE 13
ADYAR CHENNAI 600003.
- 1 THE SECRETARY TO THE... RESPONDENT in WMP No.30969 of 2019
GOVERNMENT HOUSING AND URBAN DEVELOPMENT
DEPARTMENT GOVERNMENT OF TAMIL NADU
SECRETARIAT CHENNAI 600 009.
- 2 THE PRINCIPAL SECRETARY
MEMBER SECRETARY CHENNAI METROPOLITAN
DEVELOPMENT AUTHORITY THALAIMUTHU NATARAJAN
MALAIGAI NO.11 GANDHI IRWIN ROAD CHENNAI
CHENNAI 600 008.
- 3 THE COMMISSIONER
GRREATER CHENNAI CORPORATION RIPPON
BUILDINGS CHENNAI 600 003.

4 THE REGIONAL DEPUTY COMMISSIONER (SOUTH) ENFORCEMENT CELL ADYAR CHENNAI 600 020.

5 THE EXECUTIVE ENGINEER -I REGIONAL JOINT COMMISSIONER (SOUTH) ZONE 13 ADYAR CHENNAI 600003.

1 THE SECRETARY TO GOVERNMENT ... RESPONDENT in WMP No.31606/19 HOUSING AND URBAN DEVELOPMENT DEPARTMENT FORT ST. GEORGE CHENNAI-9.

2 THE COMMISSIONER CORPORATION OF CHENNAI PARK TOWN CHENNAI

3 THE MEMBER SECRETARY CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY THALAMUTHU NATARAJAN MALIGAI NO.11 GANDHI IRWIN ROAD CHENNAI.

4 THE REGIONAL DEPUTY COMMISSIONER (SOUTH) ENFORCEMENT CELL ADYAR CHENNAI-20.

5 THE EXECUTIVE ENGINEER-I ZONE 13 GREATER CHENNAI CORPORATION ADYAR CHENNAI-20.

Petitions praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

1 WMP No.31605 of 2019

To modify the Para-4 of the interim order dated 21.10.2019 passed in WMP.No.29850 of 2019 in WP No.29938 of 2019 by deleting the ad-interim direction, directing the Assistant Engineer, TANGEDCO, 2nd Avenue, Thiruvalluvar Nagar, Tiruvanmiyur, Chennai-41, to disconnect the electricity connection/ supply to Shop of the petitioner situate Shop No.13, Ground Floor, Guru Complex, Plot No.B9/A2, 2nd Main Road, Tiruvalluvar Nagar, Tiruvanmiyur, Chennai-41, within a period of one week from the date of receipt of a copy of this order and after Deepavali festival

2 WMP No.30946 of 2019

To Modify the Para-4 of the Interim Order dated 18.10.2019 passed in WMP No. 29817 of 2019 in WP No. 29906 of 2019 by deleting the Ad-Interim Direction directing the Assistant Engineer,, TANGEDCO, 2nd Avenue, Thiruvalluvar Nagar, Tiruvanmiyur, Chennai-600041, to disconnect the electricity connection / supply to shop of the Petitioner in WP No. 29906/2019 situate at B11 and the shop of the Petitioner in WP No. 29912/2019 situate at shop No.9 Ground Floor at Plot No. B9/A2, 2nd Main Road, Tiruvalluvar Nagar, Tiruvanmiyur, Chennai-600041, within a period of one week from the date of receipt of a copy of this order and after Deepavali festival.

3 WMP No.30949 of 2019

To Modify the Para-4 of the Interim Order dated 18.10.2019 passed in WMP No. 29822 of 2019 in WP No. 29912 of 2019 by deleting the Ad-Interim Direction directing the Assistant Engineer, TANGEDCO, 2nd Avenue, Thiruvalluvar Nagar, Tiruvanmiyur, Chennai-600041, to disconnect the electricity connection / supply to shop of the Petitioner in WP No. 29906/2019 situate at B11 and the shop of the Petitioner in WP No. 29912/2019 situate at shop No.9 Ground Floor at Plot No. B9/A2, 2nd Main Road, Thiruvalluvar Nagar, Tiruvanmiyur, Chennai-600041, within a period of one week from the date of receipt of a copy of this order and after Deepavali festival.

4 WMP No.30967 of 2019

To Modify an Interim Order passed by this Honble Court dated 17.10.2019 passed in WP No. 29744 of 2019 by deleting the portion para -7 of the order that directing the Assistant Engineer, TANGEDCO, 2nd Avenue, Thiruvalluvar Nagar, Tiruvanmiyur, Chennai-600041, to disconnect the electricity connection / supply to shop of the Petitioner in WP No. 29744/2019 bearing shop No. B5, the Petitioner in WP No. 29748 of 2019 bearing Shop No. 12, the Petitioner in WP No. 29752 of 2019 bearing shop No. 10, situated at Plot No. B9/A2, 2nd Main Road, Thiruvalluvar Nagar, Tiruvanmiyur, Chennai-600041, within a period of one week from the date of receipt of a copy of this order and after Deepavali festival

5 WMP No.30968 of 2019

To Modify an Interim Order passed by this Honble Court dated 17.10.2019 passed in WP No. 29748 of 2019 by deleting the portion para -7 of the order that directing the Assistant Engineer, TANGEDCO, 2nd Avenue, Thiruvalluvar Nagar, Tiruvanmiyur, Chennai-600041, to disconnect the electricity connection / supply to shop of the Petitioner in WP No. 29744/2019 bearing shop No. B5, the Petitioner in WP No. 29748 of 2019 bearing Shop No.12, the Petitioner in WP No. 29752 of 2019 bearing shop No. 10, situated at Plot No. B9/A2, 2nd Main Road, Thiruvalluvar Nagar, Tiruvanmiyur, Chennai-600041, within a period of one week from the date of receipt of a copy of this order and after Deepavali festival

6 WMP No.30969 of 2019

To Modify an Interim Order passed by this Honble Court dated 17.10.2019 passed in WP No. 29752 of 2019 by deleting the portion para -7 of the order that directing the Assistant Engineer, TANGEDCO, 2nd Avenue, Thiruvalluvar Nagar, Tiruvanmiyur, Chennai-600041, to disconnect the electricity connection / supply to shop of the Petitioner in WP No. 29744/2019 bearing shop No. B5, the Petitioner in WP No. 29748 of 2019 bearing Shop No. 12, the Petitioner in WP No. 29752 of 2019 bearing shop No. 10, situated at Plot No. B9/A2, 2nd Main Road, Thiruvalluvar Nagar, Tiruvanmiyur, Chennai-600041, within a period of one week from the date of receipt of a copy of this order and after Deepavali festival

7 WMP No.31606 of 2019

To Modify the Para-4 of the Interim Order dated 23.10.2019 passed in WMP No. 30315 of 2019 in WP No. 30322 of 2019 by deleting the Ad-Interim Direction, directing the Assistant Engineer, TANGEDCO, 2nd Avenue, Thiruvalluvar Nagar, Thiruvannamiyur, Chennai-600 041, to disconnect the electricity connection / supply to Shop of the Petitioner bearing No. 13, at Guru Complex, Plot No. B9/A2, 2nd Main Road, Survey No. 216 part, Tiruvallur Nagar, Thiruvannamiyur, Chennai-600041, within a period of one week from the date of receipt of a copy of this order and after Deepavali Festival.

Order : These petitions coming on for orders upon perusing the petition and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.VENKATARAMANI, Senior Counsel for M/S.ANU GANESAN, Advocate for the petitioner each the petitions and of M/S.P.S.SHIVASHANMUGASHUNDARAM, Special Government Pleader on behalf of the 1st respondent in all the petitions and of M/S.V.C.SELVASEKARAN, Advocate for the 2, 4 & 5 respondents in all the petitions and of M/S.P.S.GANESH, Advocate for the 3rd respondents in all the petitions the court made the following order:-

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

The above Miscellaneous Petitions have been filed to modify the the orders dated 17.10.2019, 18.10.2019 and 21.10.2019 by deleting the ad-interim injunction directing the Assistant Engineer, TANGEDCO, 2nd Avenue, Thiruvalluvar Nagar, Thiruvannamiyur, Chennai-41 to disconnect the electricity connection of the Shops belonging to the petitioners.

2. The learned counsel for the petitioners submitted that there is no violation except the setback violation in so far as the ground and first floors are concerned. However, as far as the second and the third floors are concerned, they were constructed in total violation of the approved plan and no notice has been issued to the occupants. It is further submitted that as on today, they are residing and enjoying the Electricity connection. It is further contended that the petitioners are running tea and cool drinks shop, Pawn broking shop, medical shop, Computer Centre, Provision store and Saloon and if the electricity supply is disconnected as per the aforesaid interim orders, they would be deprived of their livelihood and therefore the interim orders require modification. Further, Application under Section 113-C of the Tamil Nadu Town and Country Planning Act, 1971 is pending before the Government.

3. The learned counsel appearing for the Corporation submitted that there is no setback violation in existence. He opposed to the contention raised by the petitioner in respect of second and third floors that no action is taken so far for the violation of the approved plan and contended that the process of de-occupation is on in respect of the second and third floors.

4. Considering the submissions made by the learned counsel appearing on either side, we are view that the interim orders passed requires modification in so far as the ground and first floors are concerned for the reason that the application filed under Section 113-C is pending consideration and further in view of the fact that the major violation is in respect of the second and third floors only.

5. In such view of the matter, the interim orders stated above stands modified to the extent that the Electricity connection which has been disconnected pursuant to the interim orders shall be restored within a period of three days from today.

These Miscellaneous Petitions are ordered accordingly.

-sd/-
19/11/2019

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVERNMENT
HOUSING AND URBAN DEVELOPMENT DEPARTMENT
FORT.ST.GEORGE CHENNAI-9

2 THE COMMISSIONER
CORPORATION OF CHENNAI PARK TOWN
CHENNAI.

3 THE PRINCIPAL SECRETARY / THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT
AUTHORITY THALAIMUTHU NATARAJAN MALIGAI
NO.11, GANDHI IRWIN ROAD, CHENNAI.

4 THE REGIONAL DEPUTY COMMISSIONER,
(SOUTH) ENFORCEMENT CELL ADYAR
CHENANI-20

5 THE EXECUTIVE ENGINEER- I
ZONE-13, GREATER CHENNAI
CORPORATION ADYAR
CHENNAI-20

6 THE EXECUTIVE ENGINEER- I
REGIONAL JOINT COMMISSIONER (SOUTH)
ZONE-13, ADYAR, CHENNAI-600003.

C.C. to M/S.ANU GANESAN Advocate on payment of necessary charges

C.C. to M/S.V.C.SELVASEKARAN, Advocate on payment of necessary charges

C.C. to M/S.P.S.GANESH Advocate on payment of necessary charges

The Special Government Pleader, High Court, Madras - 104.

Order

in

WMP.Nos.31605, 30946, 30949, 30967, 30968, 30969 & 31606 of 2019
in

WP.Nos.29938, 29744, 29748, 29752, 29906, 29912 & 30322 of 2019

Date :19/11/2019

From 26.2.2001 the Registry is issuing certified
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KP(20/11/2019) (IT)

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