

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2020

CORAM:

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.28482 of 2013

1.Mr.Bhurhan Taher Bhai

2.Mrs.Sahida Begum

3.Mr.Shabbir Taher Bhai

4.Mrs.Sakina Shabbir

5.Mr.Khujema Taher Bhai

6.Mrs.Fatema Khujema

7.Mr.Saify Taher Bhai

8.Mrs.Hasina Saify

... Petitioners

Vs

1.The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 2.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Santhome,
Chennai - 12.

3.Chennai Metropolitan Development Authority,
Rep. By its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 9.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents 1 and 2 to provide electricity connection for the property bearing New Door No.5(old Door No.4-B), Leith Castle North Street, Santhome, Chennai-28, based on the petitioners' representation dated 12.09.2013 along with an undertaking affidavit and without insisting for completion certificate from the third respondent.

For petitioner : Mr.D.Senthilkumar
For R1&R2 :Mr.P.R.Dhilipkumar,
Standing Counsel
For R3 : Mr.P.S.Ganesh for CMDA

ORDER

The petitioners seek for a direction to the respondents 1 and 2/Tamil Nadu Electricity Board to provide electricity connection to the house property bearing New Door No.5(old Door No.4-B), Leith Castle North Street, Santhome, Chennai-28, by taking into consideration of their representation dated 12.09.2013 and undertaking affidavit and without insisting for completion certificate from the third respondent/Chennai Metropolitan Development Authority (CMDA), Chennai.

2. It appears that the construction put up by the petitioners is in violation of the approved plan. Therefore, unless and until they satisfy all the requirements, completion certificate will not be issued by the third respondent. Hence, this Court cannot issue a writ of mandamus against the statute and against the various orders passed by this Court which have come down heavily wherever illegal construction has been put against the approved plan. Therefore, the prayer sought for cannot be granted. Accordingly, the writ petition stands dismissed. However, liberty is granted to the petitioners to approach the respondent/Electricity Board after obtaining the completion certificate. No Costs.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

rkm

To

1.The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 2.

WEB COPY

2.The Superintending Engineer,
Tamil nadu Electricity Board,
Santhome,
Chennai - 12.

3.Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 9.

+2ccs to Mr.D.Senthil Kumar, Advocate, SR.No.4264.
+1cc to Mr.P.R.Dhilip Kumar, Advocate, SR.No.4530.
+1cc to Mr.P.S.Gameash, Advocate, SR.No.4245.

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NRL (CO)
CSR: 20.02.2020



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