



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8740 of 2019

S.Munuswamy Chowdry

...Petitioner

Vs.

1.The Divisional Engineer,
T.N.E.B., Mullai Nagar,
Tambaram, (West),
Chennai - 45.

2.The Assistant Executive Engineer,
T.N.E.B., Mullai Nagar,
Tambaram,
Chennai - 45.

3.The Assistant Engineer,
O&M, Tambaram West,
CEDC/South-II, Chennai-45.

4.M/s.Pace Builders Pvt. Ltd.,
Rep. by Rajasekaran,
B-58 Anna Nagar East,
Chennai-102.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st to 3rd respondents herein to implement the order of the 2nd respondent dated 11.01.2018 in Letter.No. AEE/O&M/TBM/F. Court Case/D.No.464/2018 and further order passed by the 3rd respondent dated 12.03.2018 in Lr.No.AE/O&M/TBM-W/F.Court Case/D.No.305/2018 by removing the EB Transformer laid in Old T.S.No.31/1A corresponding to T.S.No.9/8, measuring 33 cents of land in Block No.19, Tambaram Village, Kancheepuram District total deviation of the planning permission accorded to the 4th respondent by the CMDA dated 25.09.2012 in B1/6777/2011 with 96 dwelling units (Premium FSI) with Stilt + 4 floors of residential buildings.

For Petitioner	:	Mrs.R.T.Shyamala
For Respondents 1 & 2	:	Mr.J.Venkatesan
For 4 th Respondent	:	Mr.B.Rajkumar Ashok Singh



O R D E R

Petitioner has come up with this Writ Petition seeking a direction to Respondents 1 to 3 herein to implement the order dated 11.01.2018 passed by the 2nd Respondent and the further order dated 12.03.2018 passed by the 3rd Respondent as regards removal of the EB Transformer laid in old T.S.No.31/1A corresponding to T.S.No.9/8, measuring 33 cents of land in Block No.19, Tambaram Village, Kancheepuram District.

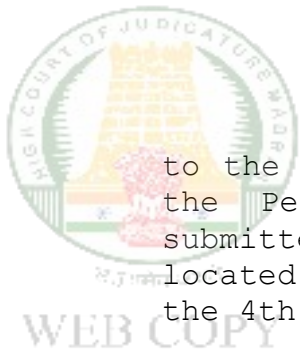
2. According to the Petitioner, he is the owner of the vacant land situated at old S.No.31/1A and New S.No.9/8, measuring 33 cents situated at Ward No.C, old Block No.19, Tambaram Village, Kancheepuram District. The southern part of the land was purchased by the 4th Respondent herein. The 4th Respondent also purchased old S.Nos.31/1B, 1C, 1D, 1E, 2A and 33/1A and the corresponding New.T.S.Nos.9/9, 9/10, 9/11, 9/12, 9/13 and 15/2 and CMDA has given approval for the same.

3. It is further stated by the Petitioner that, he obtained Planning permission accorded to the 4th Respondent, by which, EB Transformer has to be put up in the middle of the building. But, to his shock, a Transformer is erected in the front side of the building, which is in total violation of the planning permission accorded to the 4th Respondent by the CMDA.

4. With regard to the said issue, the Petitioner made a representation to the 1st and 2nd Respondents on 26.12.2015. It is further stated by the Petitioner that, he obtained an order of status quo against the 3rd Respondent on 06.11.2013 in I.A.No.350 of 2013 in O.S.No.122 of 2013 on the file of the Sub Court, Tambaram, in respect of his property measuring 4 cents of land (total 33 cents) in S.No.31/1A corresponding T.S.No.9/8 in Block.No.19, Tambaram Village, Kancheepuram District.

5. Learned counsel for the Petitioner submitted that, this Court may direct Respondents 1 to 3 herein to implement the order dated 11.01.2018 passed by the 2nd Respondent herein, within a stipulated period.

6. Learned counsel appearing for the 4th Respondent, with reference to the order dated 12.03.2018 passes by the 3rd Respondent herein, submitted that the 4th Respondent has erected the Transformer only within his premises. However, he submitted that, this Court may order joint inspection to be conducted by the Electricity Board Authorities and the Revenue Authorities as



to the place of erection of the Transformer, in the presence of the Petitioner and the 4th Respondent herein. He further submitted that, in case, it is found that, the Transformer is located in the Petitioner's land, the same will be shifted to the 4th Respondent's land.

7. Taking note of the submissions of the learned counsel for the Petitioner and the learned counsel appearing for the 4th Respondent, this Court directs the Revenue Authorities and the Electricity Board Authorities to conduct a joint inspection in respect of erection of the Transformer and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

The Writ petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

(skt/aeb)

To :

1. The Divisional Engineer,
T.N.E.B., Mullai Nagar,
Tambaram, (West),
Chennai - 45.
2. The Assistant Executive Engineer,
T.N.E.B., Mullai Nagar,
Tambaram,
Chennai - 45.
3. The Assistant Engineer,
O&M, Tambaram West,
CEDC/South-II, Chennai-45.

+1 CC to M/s.R.T. Shymala, Advocate sr 57461

+1 CC to Mr.L. Jai Venkatesh, Advocate sr 57941.

W.P.No.8740 of 2019

GJ(CO)
SP(30/11/2021)