

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Twenty Second day of March Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M.SATHYANARAYANAN

and

THE HON`BLE MR.JUSTICE A.A.NAKKIRAN

WMP No.6549 of 2021

in WP.No.2231 of 2021

P.V.KALYANASUNDARAM

[PETITIONER]

Vs

1 THE TAMIL NADU COASTAL ZONE

[RESPONDENTS]

MANAGEMENT AUTHORITY, REP BY ITS MEMBER
SECRETARY, PENANGAL BUILDING, SAIDAPET,
CHENNAI-600 015

2 THE DIRECTORS OF TOWN AND COUNTRY
PLANNING, REP BY ITS DIRECTOR, 807,
ANNA SALAI, CHENNAI-600 002

3 GREATER CHENNAI CORPORATION
REP BY ITS COMMISSIONER, RIPON BUILDING,
CHENNAI 600 003

4 EXECUTIVE ENGINEER
ZONE-15, GREATER CHENNAI CORPORATION, RIPON
BUILDING, CHENNAI 600 003

5 ASSISTANT EXECUTIVE ENGINEER
UNIT-44, GREATER CHENNAI CORPORATION, RIPON
BUILDING, CHENNAI 600 003

6 ASSISTANT ENGINEER
DIV-192, GREATER CHENNAI CORPORTION, RIPON
BUILDING, CHENNAI 600 003

7 THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
(CMDA), THALAMUTHU-NADARAJAN MAALIGAI, NO.1,
GANDHI IRWIN ROAD, EGMORE, CHENNAI-08

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Modify its Order dated 04.02.2021 passed in WP No.2231 of 2021 in so far as it directs the jurisdictional Assistant Executive Engineer / Assistant Engineer (Operation and Maintenance) to disconnect the electricity supply granted to the premises in Old S.No.92/2A1A1A and new S.No.92/265, Plot No.12, Causarina Drive Road, Neelangarai Village, Chennai-600 115 and consequently direct the jurisdictional Assistant Executive Engineer / assistant Engineer (Operation and Maintenance) to restore power connection to the premises in Old No.S.No.92/2A1A1A and new S.No.92/265, Plot No.12, Causarina Drive Road, Neelangarai Village, Chennai-600 115 (in WMP.No.6549/2020) pending disposal of the above WP.No.2231/2021.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.NAVEEN KUMAR MURTHI, Advocate for the petitioner and of M/S.S.KAMALESH KANNAN, Government Advocate for the 2nd respondent and of M/S.K.RAJA SHRINIVAS Senior Counsel for 3 to 6 respondents and of M/S.P.S.GANESH, Senior Counsel for the 7th respondent the court made the following order:-

[Order of the Court was made by M.SATHYANARAYANAN, J., through Video Conferencing]

- (1) This Court in continuation and in conjuncture with the earlier order dated 04.02.2021 passed in WP.No.2231/2021 & WMP.No.2530/2021, is passing the following order.
- (2) The learned counsel for the petitioner has drawn the attention of this Court to the affidavit filed in support of the writ petition and would submit that in pursuant to the above cited order of ad-interim injunction, the electricity supply granted to the premises of the petitioner has been disconnected on 23.02.2021 and the family consisting of the petitioner, his son, daughter-in-law and grandparents, are residing in the dwelling house, having the plinth area of 18542 sq.ft., and since it is a minimum basic necessity, for want of electricity connection, they are finding it extremely difficult and facing hardship and difficulties and that apart, for want of electricity, other amenities could not be operated and they are also unable to maintain the land and superstructure and prays for appropriate orders for restoration of the electricity supply to the premises.
- (3) **Per contra**, Mr.K.Raja Srinivas, learned Standing counsel appearing for the Greater Chennai Corporation/respondents 3 to 6, has drawn the attention of this Court to Part IV and VII of the Tamil Nadu Combined Development and Building Rules, 2019, and would submit that admittedly, the land on which the superstructure has been put up, is also an unapproved one and in this regard, the petitioner has also submitted an application for regularisation dated 02.05.2018 before the 7th respondent,

praying for regularisation of the unapproved plots and layouts and that apart, no planning permission whatsoever has been obtained to construct the huge building with plinth area of 18542 sq.ft., and thought the petitioner claims to be the purchaser of the land and superstructure, he failed to carry out due diligence as to the authorisation or otherwise of the superstructure in question and as such, the relief sought for by the petitioner may not be granted by this Court.

(4) The learned counsel for the petitioner in response to the said submission, would submit that in the light of the submission made by the learned Standing counsel for the Corporation of Chennai, opportunity may be granted to the petitioner to go for restoration of electricity supply in tune with the use and occupation of the premises by the actual residents of the premises, viz., the petitioner, his son, daughter-in-law and grandparents and a representation may be directed to be submitted in this regard to the Assistant Engineer, TANGEDCO, Neelankarai, and the said representation may be directed to be considered positively and appropriate orders to be passed at an early date.

(5) This Court has considered the rival submissions and also perused the materials placed before it.

(6) The electricity connection to a premises is a basic minimum necessity and in modern days like today, it will be extremely difficult to survive without electricity service connection. But, at the same time, it is to be pointed out at this juncture that the superstructure in occupation of the petitioner, *prima facie*/ appears to be wholly unauthorised and the plot/land on which the superstructure has been put up, is also sought to be regularised by the petitioner by submitting an application for regularisation dated 02.05.2018 and it is said to be pending.

(7) Rule 72 of the Tamil Nadu Combined Development and Building Rules, 2019, also speaks about granting of extensions and it should be read along with Rule 5[3] of the said Rules. Since the amenity of electricity is a minimum basic necessity and that the electricity connection has been given to the premises, has been disconnected temporarily, in the light of the above said interim order passed by this Court on 04.02.2021 and on account of the same, the family of the petitioner is said to be suffering very much, this Court grants liberty to the petitioner to submit a representation to the Assistant Engineer, TANGEDCO, Neelankarai, as to the restoration of electricity service connection in tune with the use and occupation by the said members of the petitioner within a period of two weeks from the date of receipt of a copy of this order/uploading of the order in the website and upon receipt of the same, the Assistant Engineer, TANGEDCO, Neelankarai is directed to consider the said representation objectively and also in the light of the observations made in this order and pass appropriate orders within a further period of one week thereafter and communicate

the decision taken, to the petitioner.

(8) The Writ Miscellaneous Petition stands disposed of accordingly.

(9) Post the main writ petition on **29.04.2021.**

-sd/-

22/03/2021

/ TRUE COPY /

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

TO

1 THE MEMBER SECRETARY,
THE TAMIL NADU COASTAL ZONE MANAGEMENT
AUTHORITY, PENANGAL BUILDING, SAIDAPET,
CHENNAI-600 015

2 THE DIRECTOR,
THE DIRECTORS OF TOWN AND COUNTRY PLANNING,
807, ANNA SALAI, CHENNAI-600 002

3 THE COMMISSIONER,
GREATER CHENNAI CORPORATION, RIPON BUILDING,
CHENNAI 600 003

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(CMDA), THALAMUTHU-NADARAJAN MAALIGAI, NO.1,
GANDHI IRWIN ROAD, EGMORE, CHENNAI-08

8 THE CHAIRMAN, TANGEDCO,
NO 144, ANNA SALAI,
CHENNAI 600 002.

9 THE ASSISTANT ENGINEER,
TANGEDCO, NO.1, KALAIAGNAR KARUNANIDHI SALAI,
NEAR KABALEESWARAR NAGAR ARCH,
CORPORATION COMPLEX, NEELANKARAI,
CHENNAI 600 105.

Order

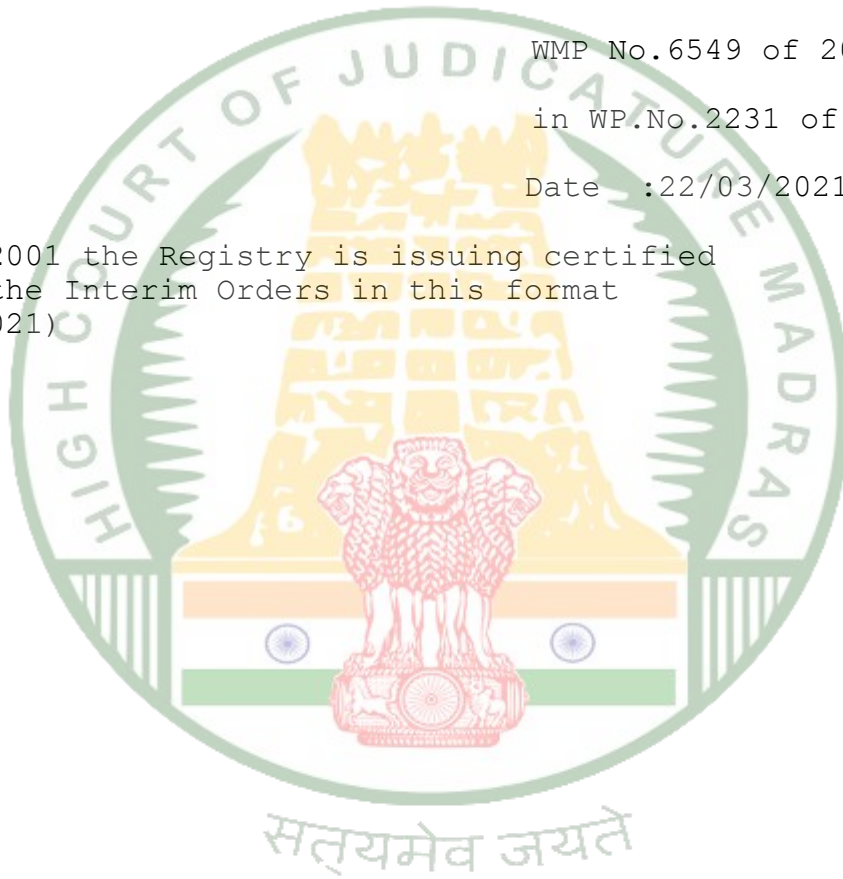
in

WMP No.6549 of 2021

in WP.No.2231 of 2021

Date :22/03/2021

From 26.2.2001 the Registry is issuing certified
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KP(25/03/2021)



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