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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-12-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.27365 of 2016

And

WMP Nos.23567 to 23569 of 2016

- 1.Mr.M.A.Ahamed Uduman
- 2.Mr.Mohammed Gayazuddin
- 3.Mr.S.Guganathan
- 4.Mrs.J.Rifaya Parveen
- 5.Mr.M.Velu
- 6.Mrs.V.Jayashree

..Petitioners

vs.

- 1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(formerly known as Tamil Nadu Electricity Board),
144, Anna Salai,
Chennai - 600 002.
- 2.The Assistant Engineer (O&M),
Tamil Nadu Generation and Distribution Corporation Ltd.,
(formerly known as Tamil Nadu Electricity Board),
26, West Cott Road,
Royapettah,
Chennai - 600 014.
- 3.Mrs.E.Jayanthi
- 4.R.Ellangovan
- 5.Mrs.Lavanya Magesh
- 6.R.Subramaniam Chettiar
- 7.Mr.R.Matchagandhi
- 8.Mr.R.Prabakaran

..Respondents



Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take immediate action as against the respondents 3 to 8 and their illegal occupants, who are illegally drawing electricity power supply from the common and main distribution electricity connections to their illegal/unauthorised construction of third floor and encroachment in Car Parking area made at Jeyam Apartments bearing Old No.15/16, (New No.29/1 and 31/1), V.M.Street, Royapettah, Chennai-600 014 based on our representations dated 16.01.2016 and 16.06.2016.

For Petitioners : Mr.K.Moorthy

For Respondents-1 and 2: Mr.L.Jaivenkatesh,
Standing Counsel for TANGEDCO.

For Respondents-3 and 4: Ms.AL.Ganthimathi

For Respondents-5 to 8 : Mr.G.Vasudevan

O R D E R

The grievances of the petitioners are that an illegal Electricity Service Connection was provided to the third floor of the Residential Apartments, wherein the petitioners are residing in the first and second floors.

2. The third floor of the premises was constructed in violations of the Building Plan Approval and therefore, objections were raised by the other co-owners of the subject property.

3. However, the dispute was continuing for a considerable length of time and now it is brought to the notice of this Court that illegally Electricity Service Connection provided in the third floor has not yet been disconnected. However, the said statement of the petitioners is objected by the learned Standing Counsel appearing on behalf of the Electricity Board.

4. The officials, who all are present before this Court, instructing the learned Standing Counsel for the Electricity Board, that illegal Electricity Service Connection has already been disconnected.

5. May that as it be. If the illegal Electricity Service Connection is not disconnected, the Authorities are bound to



conduct an inspection and disconnect the same with immediate effect.

6. As far as the grievances of the petitioners are concerned, for the entire common main area, the Electricity Service Connection is provided through the third floor Electricity Service Connection and the said Electricity Service Connection is to be checked in respect of other co-owners, who all are residing in the first and second floors of the Residential Apartments.

7. This being the factum, the petitioners are at liberty to submit an application along with all other relevant documents to the Competent Authorities of the Tamil Nadu Electricity Board for providing an appropriate Electricity Service Connection covering the entire common area of the Residential Apartments and in the event of submitting such an application, the Authorities Competent are directed to consider the same, take a decision and provide Electricity Service Connection in the said Residential Apartments for the usage of all the owners in a peaceful manner, within a period of four weeks from the date of receipt of a copy of the said application from the petitioners.

8. With the abovesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (CS)

// True Copy //

Sub Assistant Registrar

Svn

To

1. The Chairman,
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Chennai - 600 002.

2. The Assistant Engineer (O&M),
Tamil Nadu Generation and Distribution Corporation Ltd.,
(formerly known as Tamil Nadu Electricity Board),
26, West Cott Road,
Royapettah, Chennai - 600 014.



+2cc to Mr.K.Moorthy, Advocate SR.No.68011

+1cc to M/s.A.L.Ganthimathi, Advocate SR.No.68379

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CB(03/01/2022)

WP 27365 of 2016