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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21864 of 2021

L.Muruganandham

... Petitioner

Vs.

1.The Electrical Inspector,
Tamil Nadu Electricity Board,
2/120/344, Sri Balamurugan Towers 1st Floor,
Sankagiri Main Road,
Nethimedu,
Salem - 636 002.

2.The Assistant Engineer,
Generation and Maintenance,
Tamil Nadu Electricity Board,
Sornapuri,
Salem.

3.The Commissioner,
Salem Corporation,
Salem.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to grant service connection to the dwelling units in the residential building constructed as per Planning Permission No.949/2013 dated 11.07.2013 and Building Approval No.E9/228/13 dated 26.07.2013 to the extent of stilt plus 4 floors in Old Sy.No.103/1D3 Part (T.S.No. 88/3 Part) in Reddiyur Village, Sri Ram Nagar within the Salem City Municipal Corporation Limits, without insisting upon any completion Certificate from the 3rd respondent as exempted under Rule 74(4) of "The Tamil Nadu Combined Development and Building Rules 2019".

For Petitioner : Mr.K.S.Kumar

For Respondents : Mr.L.Jaivenkatesh for R2
(Standing Counsel)
Mr.M.Nirmal Kumar
for M/s.Sathish
(Standing Counsel for R3)



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to grant service connection to the dwelling units in the residential building constructed as per Planning Permission No.949/2013 dated 11.07.2013 and Building Approval No.E9/228/13 dated 26.07.2013 to the extent of stilt plus 4 floors in Old Sy.No.103/1D3 Part (T.S.No. 88/3 Part) in Reddiyur Village, Sri Ram Nagar, within the Salem City Municipal Corporation Limits, without insisting upon any completion Certificate from the third respondent as exempted under Rule 74(4) of "The Tamil Nadu Combined Development and Building Rules 2019".

2.The case of the petitioner is that the petitioner is the owner of 8716 sq.ft. of vacant land in Sy.No.103/1D3 Part (T.S.No. 88/3 Part) in Reddiyur Village, Sri Ram Nagar, within the Salem City Municipal Corporation Limits and he applied for Planning permission with the Salem Local Planning Commission for construction of building and the Salem Local Planning Commission vide proceedings dated 11.07.2013, granted permission for construction of stilt plus 4 floors (16 units). Thereafter, the petitioner applied for building permission to the third respondent and the third respondent vide proceedings dated 26.07.2013, granted permission for construction of stilt plus 4 floors consisting of 16 units, however, the petitioner constructed a small portion in the fifth floor which is against the planning permission and applied for the unauthorized construction on 28.08.2021. The petitioner applied for electricity connection for the dwelling units in stilt plus 4 floors of his building and since the same has not yet been given, has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court permit the petitioner to make appropriate application before the concerned Local Planning Authority for regularisation of Building, who is not a party in this writ petition.

4.The learned counsel appearing for the respondents raise no serious objection for this Court considering the request made by the learned counsel appearing for the petitioner.

5.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, permits the petitioner to make appropriate application before the concerned Local Planning Authority, within a period of two weeks from the



date of receipt of a copy of this order and if any such application is made by the petitioner, the concerned Authority shall consider the same and pass appropriate orders, a expeditiously as possible.

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6.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

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To

1.The Electrical Inspector,
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Salem - 636 002.

2.The Assistant Engineer,
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3.The Commissioner,
Salem Corporation,
Salem.

+1cc to Mr.K.S.Kumar, Advocate SR.No.61185

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NR(CO)
GMY(07/12/2021)