

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11.3.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.No.22514 of 2019  
and  
W.M.P.No.21931 of 2019

M/s.Aston Constructions Pvt. Ltd.,  
rep. by its Authorized Representative  
Girish Bhandari  
No.31, Rajamannar Street,  
T.Nagar, Chennai 600 017. ...Petitioner

vs.

1. Tamil Nadu Generation and  
Distribution Corporation,  
rep. by its Superintending Engineer,  
P.Suresh Kumar B.E.,  
NPKRR Maaligai,  
No.144, Anna Salai, Chennai 600 002.
2. Adinath Shantiniketan Residents  
Welfare Association (ASRWA),  
rep. by is Authorised Signatory,  
Secretary of ASRWA,  
No.283/1, Ramakrishnan Salai,  
Mannivakkam, Chennai 600 048.  
(R2 impleaded vide order dated  
31.8.2020 made in WMP 14218/2020  
in WP.No.22514/2019 by NAVJ) ...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to accept the gift deed for the property comprised in S.F.No.283/1(P) Mannivakkam Village, Chengalpet Taluk, Kancheepuram District admeasuring 4197 sqft from the petitioner and subsequently erect a GIS 33 KV sub station on the said land for the use of petitioner's apartment complexes as well as the general public.

For Petitioner : Mr.Richardson Wilson

For R1 : Mr.P.Gunaraj, Standing Counsel

For R2 : Mr.A.R.Nixon

## ORDER

This writ petition is filed for a mandamus directing the respondent to accept the gift deed for the property comprising in Survey No.283/1(P) Mannivakkam Village, Chingleput Taluk, Kancheepuram District admeasuring 4197 sqft from the petitioner to erect GIS 33 KV sub station on the said land for the use of the petitioner's apartment complex.

2. The case of the petitioner is that they have developed a property as apartments of an extent of 1.92 acres situate in Mannivakkam Village, Chingleput District Kancheepuram District in S.Nos.233/2A and 234/1A. They obtained requisite sanction to construct the building complex vide permit 377 dated 21.9.2012 from the Chennai Metropolitan Development Authority and has also executed a Gift Deed for the land which is required for the common space utilities vide Document No.8050 of 2012 dated 3.7.2012.

3. According to the learned counsel for the petitioner, around 37,531 sqft was allotted for open space reservation area vide Gift Deed dated 3.7.2012 and separate land has also been allotted for the road and other common utility purposes.

4. Since the petitioner developed 686 apartments in the said property, there is a requirement of 33/11 KV sub station in the apartments/complex, for which this petitioner has also donated unutilised UDS space of 4197 sqft which stands in the name of the petitioner to the respondent Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO).

5. Whiles, the respondent Board has identified another place in the north east corner of the lay out and submitted that space would be more suitable for setting up the sub station instead of the place which has already been allotted for visitors' parking. The house owners of the apartments have filed impleading applications in this writ petition raising certain objections that the place in which they have proposed to set up the sub station in the north east corner has also been allotted for visitors' parking in which, neither the petitioner nor the TANGEDCO is having any right to convert it as sub-station.

6. Mr.Richardson Wilson, learned counsel for the petitioner, by referring to clause 6(b) of the Construction Agreement would submit that the purchasers of the flats have agreed to share the cost of installation of a separate sub-station installation, if the TNEB insists upon such provision and the same has been recorded as under:

"Cl 6(b). If the Tamil Nadu Electricity Board insists on a separate sub-station installation to be installed in the proposed building or in/around

the land described in Schedule A hereunder, the cost of such installation shall be borne pro-rata by the PURCHASER along with the other owners of apartments in the proposed complex."

7. The learned counsel for the petitioner would further submit that establishment of sub-station is a necessary infrastructure to provide electricity to the flats and it would be useful to the other consumers in the area, however, the residents of the apartment have strongly objected to it.

8. This court, on the earlier occasion also suggested the respective parties to have a meeting to arrive at a consensus. Even after the meeting of the parties to this lis, they have not come forward to allot the land which has been required by the TANGEDCO and therefore, the learned counsel for the TANGEDCO submits that they would proceed with the construction of sub station in the place which has been identified by the petitioner.

9. Since the TANGEDCO has now come forward to proceed with the construction of Sub Station in the place which has already been identified by the petitioner and donated by the petitioner which stands in the name of the petitioner, this writ petition is disposed of recording the said submissions of the learned counsel for the TANGEDCO. No costs. The connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssk.

To

Tamil Nadu Generation and  
Distribution Corporation,  
rep. by its Superintending Engineer,  
P.Suresh Kumar B.E.,  
NPKRR Maaligai,  
No.144, Anna Salai, Chennai 600 002.

+1cc to Mr.A.R.Nixon, Advocate, S.R.No.15889

+1cc to Mr.Richardson Wilson, Advocate, S.R.No.15647

W.P.No.22514 of 2019

BS (CO)  
KM(17/04/2021)