



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25354 of 2021

and

W.M.P.Nos.26779 & 26781 of 2021

1. Chakkaravarthy Daniel
 2. Sulochana C Daniel
 3. Gladys Rosette C Daniel
- ... Petitioners

Vs.

- 1.The Chairman,
Tamil Nadu Electricity Board (TNEB),
No.825, Link Road, Anna Salai,
Chennai-2.
 - 2.The Assistant Engineer,
Electricity Board Office,
Chennai South, Chitlapakkam,
Chennai - 600 073.
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to reconnect the electricity connection that was disconnected on 19.11.2021 by the 2nd respondent on the Ground Floor, 2nd, 5th, 8th and 9th Floors at No.173, Tambaram - Velacherry Main Road, Camp Road Junction, Selaiur, Chennai - 600 073.

For Petitioners : Ms.V.Revathy

For Respondent : Mr.L.Jai Venkatesh
Standing Counsel for TNEB

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the 2nd respondent to reconnect the electricity connection that was disconnected on 19.11.2021 by the 2nd respondent on the Ground Floor, 2nd, 5th, 8th and 9th Floors at No.173, Tambaram - Velacherry Main Road, Camp Road Junction, Selaiur, Chennai - 600 073.



2. The case of the petitioners is that the petitioners are the owner of the property and they entered into a joint Development Agreement with M/s. Sri Sreenivasa Constructions on 30.05.2011 for the purpose of developing the property as a multi-storey building by name Daniel Silver Oak. The said multi-storied building was completed on 13.03.2013. As per the agreement, the petitioners were allotted 2nd, 5th & 8th Floors as residential apartments. The dispute arose between the partners and subsequently, the parties entered into amicable settlement and dissolved the firm. Thereafter, the CMDA issued notice dated 14.09.2020 under Section 56 & 57 read with Section 85 of the Town & Country Planning Act 1971 for locking and sealing and removal of the construction put up in contravention of the planning permission issued under Section 49 of the said Act. Subsequently, ground floor, 2nd, 5th, 8th and 9th floor was locked and sealed on 17.09.2021 by CMDA. and the respondents have disconnected the electricity in the sealed premises vide proceedings dated 27.10.2021. Thereafter, the petitioners filed appeal under Section 80 A of the Tamil Nadu Town and Country Planning Act before Additional Secretary (Technical) Housing and Urban Development Department, Secretariat, Chennai for de-sealing the premises. Hence, the petitioners have filed the present writ petition before this Court seeking appropriate directions for electricity reconnection.

3. Ms.V.Revathy, learned counsel for the petitioner submitted that as against the lock and seal, the petitioners have filed an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 before the Additional Secretary (Planning) Housing and Urban Development Department on 10.11.2021, which is pending for disposal. The learned counsel appearing for the petitioner further submitted that this Court may issue a suitable directions to the respondents to reconnect the electricity connection that was disconnected by them within the reasonable time as fixed by this Court.

4. Mr.Jaivenkatesh, learned Standing Counsel, appearing for the respondents submitted that immediately after the disposal of the planning appeal, electricity service connection will be effected in the premises subject to the outcome of final result in pending appeal.

5. Heard the learned counsel for the petitioners and the learned Standing Counsel appearing on behalf of the respondents and perused the materials available on record.



6. Admittedly, the petitioners premises was sealed as per the order of the CMDA, for which, the respondents have also disconnected the electricity connection. Therefore, the petitioners filed an appeal under Section 80 A of the Tamil Nadu Town and Country Planning Act before the Additional Secretary (Technical) Housing and Urban Development Department, Secretariat, Chennai for de-sealing the premises. In view of the pending appeal, this Court cannot issue any directions to the respondents to reconnect the electricity to the said sealed premises. Therefore, the petitioners are directed to make a fresh representation to the respondents along with relevant documents only after the disposal of the appeal. After receiving the representation, the respondents shall consider the same and pass appropriate order on merits and in accordance with law subject to the outcome of the appeal.

8. With the above observations, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
Tamil Nadu Electricity Board (TNEB),
TANTRANSCO Building,
144, Anna Salai,
Chennai - 600 002.

2.The Assistant Engineer,
Electricity Board Office,
Chennai South, Chitlapakkam,
Chennai - 600 073.

+2cc to Mr.V.Revathy, Advocate SR.No.61737
+1cc to Mr.L.Jaivenkatesh, Advocate SR.No.62103

W.P.No.25354 of 2021
and
W.M.P.Nos.26779 & 26781 of 2021

GJ(CO)
GN(22/12/2021)