



W.P.No.21705 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.21705 of 2016
and
W.M.P.No.18569 of 2016

1.B.K.Durai (Deceased)

2.V.Kanna

*(P2 substituted as LR of deceased
sole petitioner vide order dated
30.03.2022 made in WMP.No.20246
of 2021 in WP.No.21705 of 2016)*

...Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Government Energy
Generation & Distribution
Corporation (TANGEDCO),
CEDC/West, Maduravayal,
Chennai - 600 095.

2.The Assistant Divisional Engineer,
Tamil Nadu Government Energy
Generation & Distribution
Corporation (TANGEDCO),
CEDC/West, Maduravayal,
Chennai - 600 095.



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3.The Assistant Engineer,
Tamil Nadu Government Energy
Generation & Distribution
Corporation (TANGEDCO),
CEDC/West, Maduravayal,
Chennai - 600 095.

4.The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.

5.The Superintending Engineer (Construction)-V,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.

6.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

7.The Zonal Officer,
Zone-IX, Corporation of Chennai,
Arcot Road, Chennai - 600 087.

8.The Tahsildar,
Maduravayal, Chennai - 600 095.

9.Mr.E.Jeevanandam

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
seeking issuance of Writ of Mandamus to forbear the respondents from



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removing the electric poles, electric lights and transformers and also from altering the physical features in the 30 feet north south road in S.No.297/1 and 296, Maduravayal Village, Saidapet Taluk, Chenglepet District.

For Petitioner	: Mr.D.Shivakumaran
For R1 to R3	: Mr.M.Abul Kalam, Standing Counsel for TANGEDCO
For R4 & R5	: No Appearance
For R6 & R7	: Ms.S.Vaitheeswari
For R8	: Mr.P.Anandakumar, Government Advocate
For R9	: Mr.S.Thankasivan

ORDER

The writ petition has been filed seeking to forbear the respondents from removing the electric poles, electric lights and transformers and also from altering the physical features in the 30 feet North South Road in S.No.297/1 and 296, Maduravayal Village, Saidapet Taluk, Chengelpet District, by one B.K.Durai, who claims to be the owner of the land in an unapproved layout in Dasary Padma Nagar. He died pending the writ petition.



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2. An application in W.M.P.No.20246 of 2021 has been filed seeking to implead one V.Kannan, S/o. Velpandian, as the petitioner in the place of the deceased Durai. In the affidavit filed in support of the said miscellaneous petition, a claim is made that the petitioner therein is person having a similar grievance as the original writ petitioner and therefore, he is entitled to prosecute the writ petition. This petition came to be allowed on 30.03.2022.

3. A decision in an application to bring on record the legal representatives does not clothe the person who has been brought on record as a legal representative to prosecute the proceedings *de-hors* any interest. The decision therein is also not a conclusive proof of that person being a legal representative of the deceased litigant.

4. It is brought to my notice that the petitioner Mr.V.Kannan, who has been impleaded as the second petitioner in this writ petition, is not the legal heir of the original petitioner. If he is the owner of some land in that locality, it is for him to espouse his grievance by way of separate proceedings



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and not to step into this proceeding and convert this proceeding into a Public Interest Litigation.

5. In my opinion, the second petitioner does not have *locus standi* to continue this proceedings, though he may be at liberty to launch any proceedings espousing his rights. The Writ Petition is therefore dismissed, without going into the merits of the case. No costs. Consequently, connected miscellaneous petition is closed.

27.06.2022

Index:No
Internet:Yes
Speaking order

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R.SUBRAMANIAN, J.

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