



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4091 of 2022

AND

WMP (MD) No.3498 of 2022

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M.Senthil Muthu

.. Petitioner

Vs

1.The Commissioner,
Trichy City Municipal Corporation,
Trichy, Trichy District.

2.The Chief Engineer (Distribution,
TANGEDCO,
Trichy Region, Thennur,
Trichy, Trichy District.

3.The Assistant Engineer,
TANGEDCO,
Srinivasa Nagar Division, Thennur,
Trichy, Trichy District.

4.The Inspector of Police,
Woraiyur Police Station,
Woraiyur, Trichy District.

5.R.Venkatalakshmi

.. Respondents

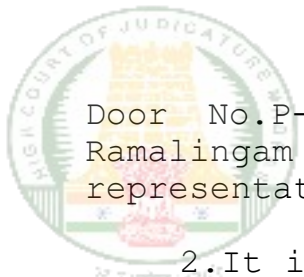
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 3 not to provide electric supply without following rules of safety to the 5th respondent's illegal construction building at Door No.P-20, at T.S.No.1586, new T.S.No.66 of Ahamed Colony, Ramalingam Nagar, Trichy District, on the basis of the representation, dated 10.02.2022, made by the writ petitioner, within stipulated period.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.R.Baskaran for R1
Standing Counsel
Mr.S.Deenadayalan for R2 and R3
Standing Counsel
Mrs.S.Jeyapriya for R4
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second and third respondents not to provide electricity supply without following the Rules and the safety measures to the 5th respondent's illegally constructed building at



Door No.P-20, at T.S.No.1586, new T.S.No.66 of Ahamed Colony, Ramalingam Nagar, Trichy District, based on the petitioner's representation, dated 10.02.2022.

2.It is the case of the petitioner that the fifth respondent is his neighbour and construction is going on in his property. It is the case of the petitioner that wires from the 5th respondent's property are passing close to the petitioner's property, which is dangerous to life. It is also the case of the petitioner that already a person has been electrocuted on account of non adherence of safety rules by the 5th respondent and an FIR has also been registered. The petitioner has given a representation to the respondents 2 and 3 on 10.02.2022, calling upon them to take action against the 5th respondent for not following the safety rules. Since the representation has not been considered till date, he has filed this writ petition.

3.Heard Mr.B.Rajesh Saravanan, learned counsel appearing for the petitioner, Mr.R.Baskaran, learned Standing Counsel, who accepts notice on behalf of the first respondent, Mr.S.Deenadayalan, learned Standing Counsel, who accepts notice on behalf of the respondents 2 and 3 and Mrs.S.Jeyapriya, learned Government Advocate, who accepts notice on behalf of the fourth respondent.

4.On instructions, the learned Standing Counsel for the respondents 2 and 3 would submit that there is a personal dispute between the petitioner and the 5th respondent, who are neighbours. According to him, only after getting planning permission, the 5th respondent has put up the construction in his property. With regard to the allegations levelled by the petitioner for not following the safety rules, the learned Standing counsel appearing for the respondents 2 and 3, would submit that the petitioner's representation will be considered on merits and in accordance with law, after affording a fair hearing to the fifth respondent against whom the petitioner has lodged the complaint.

5.No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the fifth respondent.

6.For the forgoing reasons, this Court directs the third respondent to consider the petitioner's representation, dated 10.02.2022, requesting the second and third respondents not to provide electricity supply without following safety rules to the fifth respondent's constructed building at Door No.P-20, at T.S.No.1586, new T.S.No.66 of Ahamed Colony, Ramalingam Nagar, Trichy District and pass final orders, after affording a fair hearing to the petitioner, the fifth respondent and any other necessary party, whom the third respondent deem fit to enquire, within a period of twelve weeks from the date of receipt of a copy



7. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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// True Copy //

Sd/-

Deputy Registrar (LA & MC)

/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Inspector of Police,
Woraiyur Police Station,
Woraiyur, Trichy District.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-11344[F] dated 10/03/2022)

+1 CC to M/s.R.BASKARAN, Advocate (SR-10821[F] dated 09/03/2022)

+1 CC to M/s.SPL.GP (SR-10956[F] dated 09/03/2022)

+1 CC to M/s.B.RAJESH SARAVANAN, Advocate (SR-11116[F] dated 10/03/2022)

W.P. (MD)No.4091 of 2022

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_SS/22.03.2022 : 3P/6C