



WEB COPY

W.P.(MD)Nos.2675



17

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.2675 & 2676 of 2017

and

W.M.P.(MD)Nos.2211 to 2214 of 2017

and

W.M.P.(MD)Nos.21855 & 21856 of 2019

K.R.Srinivasan

... Petitioner in both W.Ps.

Vs.

1.The Electrical Inspector,
618, Karpaga Nagar 10th Street,
K.Pudur, Madurai-7.

2.The Assistant Executive Engineer,
Anna Nagar Electrical Division,
Tamil Nadu Electricity Board,
Madurai-20.

3.M.Thillai Natarajan

... Respondents in both W.Ps.

Prayer in W.P.(MD)No.2675 of 2017: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned proceedings of the second respondent in க.எண்.உசெபொ/பகிர/அ.நகா.கோ.கட்டு/அ.எண்/17; dated 30.01.2017 and quash the same and consequently, direct the first respondent to receive the application of the petitioner under the Tamil Nadu Lift Act and Rules, 1997 for issuance of form 'F' license.

Prayer in W.P.(MD)No.2676 of 2017: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned proceedings of the second respondent in க.எண்.உசெபொ/பகிர/அ.நகா.கோ.கட்டு/அ.எண்/014/17, dated 30.01.2017 and quash the same and consequently, direct the first respondent to issue certificate by considering the application of the petitioner under Rule 50A of the Indian Electricity Rules, 1956.

For Petitioner : Mr.R.Devaraj
For R2 : Mr.S.Deenadhayalan

(*) For R1 : Mr.S.Sadeskumar

For R3 : no appearance

(in both W.Ps.)

**COMMON ORDER**

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for TANGEDCO. Though the third respondent has been served, he has not chosen to enter appearance.

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2. It is stated by the petitioner's counsel that the third respondent may not have any subsisting interest. The petitioner is the owner of the property. He had put up a four storied construction (G+4). The petitioner had also installed a lift for the building. Since the height of the building is beyond 50 feet, clearance from the electrical inspector is required as per the statutory provisions.

3. The grievance of the petitioner is that the first respondent is declining to receive the application on the ground that the petitioner must obtain planning approval from the local planning authority. The petitioner's counsel would point out that during the relevant time, when the construction was put up, the property was located in panchayat limits. The petitioner has enclosed a copy of the building plan approval as given by the panchayat President. Subsequently, the area has been included within the corporation limits.

4. I accept the contention of the petitioner's counsel that the subsequent inclusion of the area within the corporation limits cannot result in the petitioner having to apply once again for planning approval. Therefore, the first respondent is directed to receive the application from the petitioner herein and on being satisfied that the other statutory requirements have been complied with, issue form F license to the petitioner. The impugned communications are put on hold till final order is passed on the petitioner's application. The petitioner undertakes to file such an application within a period of four weeks from the date of receipt of a copy of this order.

5. These writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

(*Corrected as per order of this Court dated 20.07.2022

Sd/-

Assistant Registrar(RTI)

// True Copy //

20/07/2022

Sub Assistant Registrar(CS)



Rimy

To

**(*) to be substituted to the order which already despatched
on 05.07.2022**

1.The Electrical Inspector,
618, Karpaga Nagar 10th Street,
K.Pudur, Madurai-7.

2.The Assistant Executive Engineer,
Anna Nagar Electrical Division,
Tamil Nadu Electricity Board,
Madurai-20.

+1 CC to M/s.R.DEVARAJ, Advocate (SR-28363[F] dated 28/06/2022)

+1 CC to M/s.SPL.GP (SR-28528[F] dated 28/06/2022)

W.P. (MD) Nos.2675 & 2676 of 2017
24.06.2022

kg (CO)

TR(20.07.2022) 3P 5C