



W.P.No.3813 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.04.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.3813 of 2023

R.Selvapandian

Represented by its Power of Attorney Agent
Ramaswamy

... Petitioner

Vs

1.Tamil Nadu Generation and Distribution
Corporation Limited,
Represented by its Chairman,
6th Floor, TANTRANSO Building,
144, Anna Salai,
Chennai-600 002.

2.Assistant Engineer,
Tamil Nadu Electricity Board,
Tamil Nadu Electricity Board Office,
Sivan Koil St, Ganga Nagar,
Trustpuram, Kodambakkam,
Chennai-600 024.

3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
EVR Salai,
Chennai-600 003.

4.Balasubramanian

... Respondents



W.P.No.3813 of 2023

PRAAYER: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus or any other Writ or Order or Direction in the nature of Writ, directing the first and second respondent to disconnect the electricity service provided to the premises in Flat No.C5, at No.1 of 2016, Vannarapathai, Kodambakkam, Chennai-600 024.

For Petitioner ... Mr.R.N.Amarnath

For Respondents ... M/s.Revathi
for Mr.L.Jai Venkatesh
Standing Counsel
for Respondents 1 and 2

... Mr.S.Sadhasharam
for R4

ORDER

This Writ Petition has been filed for a direction to the first and second respondent to disconnect the electricity service connection provided to the premises in Flat No.C5, at No.1 of 2016, Vannarapathai, Kodambakkam, Chennai-600 024.



W.P.No.3813 of 2023

2. It is the case of the petitioner that alleging the unauthorized construction put up by the 4th respondent in the subject property, the petitioner has filed a suit in O.S.No.3272 of 2008 on the file of the V Assistant City Civil Court, Chennai seeking removal of unauthorized construction and the suit was decreed in favour of the petitioner which was confirmed by the Appellate Court in A.S.No.55 of 2016. The said judgment was also confirmed by this Court in S.A.No.249 of 2020. In addition to the unauthorized construction, the 4th respondent has obtained the electricity service connection in the said property. Since, no steps were taken by the 4th respondent, to remove the unauthorized construction, the petitioner, having enclosed all the above judgements, has made a representation dated 08.07.2022 to the 2nd respondent seeking to disconnect the electricity service connection provided in the said property. However, till date, no action has been taken on the same. Hence, the petitioner has filed this Writ Petition.

3. When the matter is taken up for hearing, learned counsel for the 4th respondent has filed an affidavit undertaking to demolish and remove the illegal structure put up in the subject property. The affidavit of the 4th respondent is extracted here as under:-



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W.P.No.3813 of 2023

“ AFFIDAVIT OF BALASUBRAMANIAN

I, Balasubramanian, S/o Late Soundarapandian, Hindu, aged about 55 years, Basement of kumaran apartments No.1/16, Vannarpathai, Kodambakkam, Chennai-600 024, do hereby solemnly affirm and sincerely state as follows:-

1. I am the 4th Respondent herein and as such I am well acquainted with the facts of this case.

2. I submit that I am suffering a decree for Mandatory Injunction to demolish and remove the illegal structure under my occupation in the Basement Floor in Premises bearing Door No.1/16, Vannarapathai, Kodambakkam, Chennai-600024 passed in O.S.No.3272 of 2008 on the file of the V Asst Judge City Civil Court at Chennai.

3. I undertake to demolish and remove the structure in the basement floor in the suit property in O.S.No.3272 of 2008 on or before 30th June 2023 at my own cost and expenditure.”

4. Recording the same, this Writ Petition stands closed. It is made clear that the affidavit of the 4th respondent shall form a part and parcel of the records. There shall be no order as to costs.

24.04.2023

Index: Yes/No
Internet: Yes
NHS

Page No:4/6



W.P.No.3813 of 2023

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To

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Chennai-600 002.

2.Assistant Engineer,
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3.The Commissioner,
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M.DHANDAPANI, J

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W.P.No.3813 of 2023

24.04.2023