



W.P.No.16232 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.16232 of 2020

1.T.Bhagyalakshmi
2.T.Varun Kumar

... Petitioners

Vs.

1.The Chief Administrative Officer,
TNEB (AE/Alwarpet),
No.1, Canal Bank Road,
(Near Mandaveli Railway Station),
Narasimapuram – Visalatchi Thottam,
Alwarpet, Chennai – 600 018.

2.The Assistant Director,
TNEB, (AEE/O&M/Alwarpet),
T.T.K Road – Teynampet Control,
Luz Corner, Mylapore,
Chennai – 600 004.

3.P.Raja
4.R.Selva Asiad

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to dispose of the corrected-representation dated 15.10.2020 based



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on the earlier representation dated 28.08.2020 within a time frame fixed by this Court.

For Petitioners : Mr.S.Balasubramanian

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel [R1 & R2]
Mr.Leelesh Sundaram.B
for M/s.Nathan and Associates
[R3 & R4]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents 1 and 2 herein to dispose of the corrected-representation dated 15.10.2020 based on the earlier representation dated 28.08.2020 within a time frame fixed by this Court.

2. The case of the petitioners is that, they are the absolute owner of the property bearing Old Door No.155-156 (New Door No.520), T.T.K. Road, Teynampet, Chennai. By mortgaging the said property, they availed business loan of Rs.2,52,00,000/- with the Standard Chartered Bank on 10.09.2010 and the loan was also advanced to the petitioners. Since the loan account had become NPA, the said bank issued demand notice dated 20.09.2011 for claim amount of Rs.2.62 crores. They have



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challenged the proceedings of 13(2) of SARFAESI Act before the DRT-II, Chennai and they have also deposited the entire claim amounts raised by the Bank. Thereafter, proof of memo was filed by them before the DRAT, Chennai as on October 2016. While so, on 14.12.2017, the respondent bank issued sale certificate in favour of the third parties. On 02.01.2018, the petitioners approached the DRAT and obtained an order of interim relief and the DRAT issued a direction to the respondents not to take any further proceedings on registration of sale certificate dated 14.12.2017. Thereafter, during the Covid-19 pandemic situation, the concerned respondents by way of violating the Tribunal order, they have illegally name changed in favour of the respondents 3 and 4, in their EB service connection records and EB service connection tax records. Therefore, the petitioners made several representations before the respondents 1 and 3, last of which, is on 15.10.2020. Since the same was not considered, the petitioners have filed the above writ petition before this Court for appropriate directions.



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3. Though very many grounds have been raised in this writ petition, the learned counsel for the petitioners submits that, it would suffice, if this Court, issues a direction to the respondents 1 and 2 to consider the petitioners' representation, dated 15.10.2020 and pass appropriate orders, within a time frame that may be stipulated by this Court.

4. The learned counsel appearing for the respondents 3 and 4 submits that, the respondents 3 and 4 purchased the subject property and sale certificate was also issued in their favour, thereby, the entire records were changed in the name of the respondents 3 and 4. Now, they were in occupation of the subject property. Accordingly, he prays for dismissal of the writ petition.

5. The learned Standing Counsel appearing for the respondents 1 and 2 submits that, the petitioners' representation, dated 15.10.2020 will be considered and appropriate orders will be passed, within the time frame that may be fixed by this Court.



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6. In view of the aforesaid submissions, this Court, without going into the merits of the case, directs the respondents 1 and 2 to consider the petitioners' representation dated 15.10.2020 and pass appropriate orders, on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order, after providing an opportunity of personal hearing to the petitioner as well as the respondents 3 and 4.

7. Accordingly, the Writ Petition is disposed of. No costs.

21.06.2023
(1/2)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

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(Near Mandaveli Railway Station),
Narasimapuram – Visalatchi Thottam,
Alwarpet, Chennai – 600 018.



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M.DHANDAPANI, J.

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2.The Assistant Director,
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