



W.P.No. 15029 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.15029 of 2022

A. Mohamed Jarjees @ A.M.Jarjees

.. Petitioner

Versus

1. The State represented by
The District Collector,
Chengalpattu,
Chengalpattu District.

2. The District Superintendent of Police,
Chengalpattu,
Chengalpattu District

3. The Block Development Officer,
Block Development Office,
Tiruporur Taluk,
Chengalpattu District.

4. The Executive Officer,
Municipality office,
Tiruporur Taluk,
Chengalpattu District.

5. The Inspector of Police,
Tiruporur Police Station,
Chengalpattu, Chengalpattu District.

6. The Authorized officer
M/s Sare Squires
Crescent parc Residents and owners welfare association,



W.P.No. 15029 of 2022

F-3 Basement, Crescent Parc-Dewy Terraces, Vijaya
Sowbhagya Vijayam Nagar,
Tiruporur, Chengalpattu-603 110.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the 4th respondent to consider petitioner representation on 24.11.2021 for providing a basic need of water and electric to petitioner's Flat No.F3-302, Sare Homes, Sowbhagya Vijayam Nagar, Tiruporur, Chengalpattu with monitory of second respondent within the time prescribed by this Hon'ble Court and pass orders.

For Petitioner : Mr.K. Duraimurugan

For Respondents 1,2 and 5 : Mr.A.M. Ayyadurai
Government Advocate

For Respondents 3 and 4 : Mrs.C. Sangamthrai

For Respondent – 6 : R. Manimuthu

ORDER

This petition is filed to issue a writ of Mandamus directing the 4th respondent to consider petitioner representation on 24.11.2021 for providing a basic need of water and electric to petitioner's Flat No.F3-302, Sare Homes, Sowbhagya Vijayam Nagar, Tiruporur, Chengalpattu with monitory of second respondent.

2. The case of the petitioner is that the petitioner is in enjoyment



W.P.No. 15029 of 2022

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and possession of the Flat.No.F3-302, Sare Homes, Sowbhagya Vijayam Nagar, Tiruporur, Chengalpattu. The grievance of the petitioner is that the 6th respondent herein collects the flat maintenance and water expenditure from the flat owners and when any of them questions the 6th respondent with regard to collecting the maintenance amount, the 6th respondent will block their essential needs such as water, electricity etc., Likewise the 6th respondent has blocked the essential needs of the petitioner. Hence, the petitioner gave a representation to the respondents 1 to 5 herein, however, there was no action. Aggrieved over the same the petitioner has come up with this petition.

3. The learned counsel for the petitioner submitted that due to the act of the 6th respondent i.e disconnection of water and electricity the petitioner's family was greatly affected. Hence, prays to allow this petition.

4. Mr.A.M. Ayyadurai appearing for the Respondents submitted that the disconnection of electricity relates to the Tamil Electricity Board and they are not the authorized person either to connect or disconnect the



W.P.No. 15029 of 2022

electricity. He further submitted if the petitioner has any grievance with regard to electricity he has to approach the concerned Electricity Department. Hence prays to dismiss this petition.

5. On a perusal of the representation submitted by the petitioner it is seen that the 6th respondent herein is collecting water charges and maintenance charges etc., When this being the case the petitioner questioned that whether the 6th respondent is entitled to collect such charges, in order to wreak vengeance, the 6th respondent disconnected the water and electricity charges of the petitioner's house. As averred by the learned counsel for the petitioner if he has any grievance with regard to the disconnection of electricity, water connection or any any issues relating to living in the apartment, he can approach the competent Civil Court and the 6th respondent is not an authorized person either to connect or disconnect the electricity.

6. In view of the above, the petitioner has to ventilate his grievance by approaching the competent Civil Court or Forum and he cannot avail the benefit by preferring the present writ petition, as the issue relates to an internal dispute among the Association and the petitioner.



W.P.No. 15029 of 2022

WEB COPY

7. In such view of the matter, this Court is of the considered view that the petitioner has to work out his remedy before the Civil Court and no orders can be passed in these writ petition.

8. For the reasons stated above, this Writ Petition is dismissed. However petitioner is granted liberty to work out his remedy before the Competent Civil Court. No costs.

08.04.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn



W.P.No. 15029 of 2022

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W.P.No. 15029 of 2022

V.BHAVANI SUBBAROYAN, J.

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W.P.No.15029 of 2022

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