



W.P.No.8170 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

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CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.8170 of 2024

A.Bhuvaneswari

.... Petitioner

Vs

The state rep. by

1.The Tahsildar,
Pallavaram Taluk Office,
Pallavaram, Chennai.

2.The Assistant Engineer of Electricity Board,
Electricity Board Office,
No.33/11, Madipakkam Main Road.
Madipakkam, Chennai – 091.

3.The Inspector of Police,
Madipakkam Police Station,
Madipakkam, Chennai – 091.

4.The President
Atulya Apartment owner's welfare Association,
Reg.No.405/2013, rep. by S.Savitha,
D3BC Atulya Apartment,
No.97, Gandhi Street, VTC Keelkattalai,
Old Pallavaram, Chennai – 117.

5.The Secretary,
Atulya Apartment owner's welfare Association,
Reg.No.405/2013 rep. by R.Gangadaran
D3A Atulya Apartment,



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No.97, Gandhi Street, VTC Keelkattalai,
Old Pallavaram, Chennai – 117.

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6. A.Sheela

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner representation dated 15.02.2024 in respect of disconnecting the electricity connection given by 4th and 5th respondents stealthily.

(Prayer amended vide this order)

For Petitioner : Mr.J.Chandran Sundar Sashikumar
for Mr.K.Jayakumar

For Respondents : Mr.S.John J. Raja Singh
Additional Government Pleader – R1
Ms.Keerthana Sheno
for Mr.L.Jai Venkatesh – R2
Mr.Meganathan
Government Advocate – R3.

ORDER

Mr.S.John J.Raja Singh, learned Additional Government Pleader accepts notice for R1, Ms.Keerthana Sheno, learned counsel on behalf of Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for R2 and Mr.Meganathan, learned Government Advocate accepts notice for R3. All learned counsel are armed with instructions to enable final disposal



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of this Writ Petition, even at the stage of admission. No notice is thought necessary to private respondents, arrayed as R4 to R6, as their interests have been taken note of and duly protected under this order.

2. Learned counsel for the petitioner seeks permission to delete some portion of the prayer in the Writ Petition and has filed memo dated 27.03.2024 to that effect. The said memo is ordered.

3. The petitioner claims to be the owner of one of the units in Atulya apartment. While so, she alleges that R4 and R5, being President and Secretary of the Atulya Apartment Owner's Welfare Association, have illegally and stealthily tampered with her electricity connection and have drawn power from the same for the purpose of lighting an idol that has been installed on the foot path near her house.

4. She alleges that repeated requests to them to desist from such illegal action have not been heeded and that they, in turn threaten disconnection of water and electricity supply, if she prevents their actions.

5. The affidavit filed in support of the Writ Petition makes factual allegations against the private respondents, which are all matters of enquiry by the appropriate authority.

6. The petitioner has made a representation on 15.02.2024 to R2,



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being the Assistant Engineer, Electricity Board, Madipakkam and Ms.Keerthana accedes to the receipt of the same by R2. The prayer therein is for disconnection of the electricity connection taken illegally by R4 and R5.

7. Since the disposal of the representation would involve marshalling of facts, as put forth both by the petitioner as well as the private respondents, the matter is best left to the attention of R2.

8. Hence, mandamus is issued to R2 to hear the petitioner as well as R4 to R6 and any others deemed necessary, pass orders on the representation of the petitioner dated 15.02.2024, in accordance with law and all applicable Rules and Regulations, within a period of two (2) weeks from date of receipt of a copy of this order.

9. This Writ Petition is disposed as above. No costs.

S1

27.03.2024

Index:Yes/No

Speaking order

Neutral Citation:Yes

Note: Registry is directed to carry out necessary amendments in the prayer.



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To
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Dr.ANITA SUMANTH,J.

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