



W.P.No.17375 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.17375 of 2022

K.Prasanna Ganesh

...Petitioner

Vs.

- 1.The Assistant Executive Engineer,
Chennai Electricity Distribution South,
Velachery, Chennai 600 042
- 2.The Assistant Engineer,
Chennai Electricity Distribution South,
Velachery, Chennai 600 042

3.K.R.Senthil Kumar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the first and second respondents to disconnect the electricity connection provided to the third respondent in the ground floor stilt parking area, in Sendur Homes, Plot No.9, Door No.4, Anna Nagar First Main Road, Velachery, Chennai 600 042 as per the petitioner's letter dated 18.06.2022.

For Petitioner : Mr.J.Karupiah



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For Respondents

For R1 & 2 : Mr.L.Jaivenkatesh,
Standing Counsel

for R3 : Mrs.Vijayakumari Natarajan

ORDER

This writ petition has been filed for direction to the first and second respondents to disconnect the electricity service connection provided to the third respondent for ground floor stilt parking are in Sendur Homes, Plot No.9, Door No.4, Anna Nagar First main Road, Velachery, Chennai.

2. The petitioner had purchased the flat S-1 situated at Sendur Homes, Plot No.9, Door No.4, Anna Nagar First main Road, Velachery, Chennai admeasuring 1100 sq.ft. and 600 sq.ft. of undivided share in the land in the year 2014. In the year 2022, the petitioner raised objections and also made request to the first and second respondents to disconnect the electricity service connection provided to the third respondent for the ground floor in the same premises which is meant for stilt parking. The third respondent is the owner cum developer of the property and



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constructed five flats in which two flats were purchased by the petitioner and his brother. The third respondent also constructed a portion of the ground floor in the same parking area in the same premises and obtained electricity service connection on 19.05.2014 in service connection No.09275025446 under Tariff-IA. The petitioner also filed suit in OS.No.522 of 2018 on the file of the VII Assistant City Civil Court, Chennai for the following prayers:

i. For permanent injunction restraining the Defendants, his men, agents, etc., from disturbing peaceful possession and enjoyment of the property bearing in the stilt floor of the more fully described in the Schedule hereunder;

ii. For permanent Injunction restraining the Defendants, his men, agents, etc from disposing of the illegal construction put-up in stilt floor of the suit schedule property;

For Mandatory Injunction directing the defendants, his men, agents from demolishing the illegal construction put up in Stilt floor;

iv. Costs of the present Suit.



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To pass such further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thereby render Justice.

3. The said suit was dismissed by the judgment and decree dated 17.04.2023. On perusal of the construction agreement entered between the petitioner and the third respondent revealed that the purchaser / allottee i.e. the petitioner has mutually agreed with the third respondent that an office/domestic space will be constructed in the ground floor rear end of the building and the same shall not affect the undivided share already decided to all the purchasers. Therefore, accordingly the third respondent constructed a portion in the stilt parking and obtained electricity service connection. That apart, the petitioner also filed writ petition before this Court for demolition of the construction made by the third respondent in WP.No.32946 of 2008. After having been failed before the civil court as well as before this Court, the petitioner submitted representation to respondents 1 and 2 to disconnect the electricity service connection provided to the petitioner.



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4. In view of the above, the prayer sought for in this writ petition cannot be considered. As such, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

12.06.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Assistant Executive Engineer,
Chennai Electricity Distribution South,
Velachery, Chennai 600 042
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Chennai Electricity Distribution South,
Velachery, Chennai 600 042

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