



W.P. No. 5108 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HON'BLE MR.JUSTICE D. BHARATHA CHAKRAVARTHY

W.P. No. 5108 of 2025

M/s. Anisha Plastic,
Rep., by its Partner,
S. Arun Kumar

.. Petitioner

Versus

1.The Executive Engineer / O&M/Porur,
Tamil Nadu Generation and Distribution Corporation Limited,
No.110/33, K.N. SRMC, SS Complex,
Kunrathur High Road,
Porur, Chennai – 600 116.

2.The Deputy Director of Town and Country Planning,
No.33J/95, Kottampalayam Street,
Rangaswamy Kular, (Old Employment Office)
Kancheepuram – 631 501.

3.The Block Development Officer,
Kundrathur.

4.The President,
Amarampedu Village Panchayat.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent relating to order Letter No: E.M.P / E & PA / Somamangalam / K.Katu/A.No: 146/2023-2024 dated 31.07.2023 and quash the same and



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consequently directing the first respondent to consider the Application No. 2660323364 dated 31.03.2023 in the facts and circumstances of the ownership records relating to the petitioner in accordance with law and on merits of the case within a time-frame that may be stipulated by this Court.

For Petitioner : Mr. D. Daniel

For Respondents : Mr. L. Jaivenkatesh, for R1
Mr. P. Gurunathan, for R3 & R4
Additional Government Pleader
Mr. E. Manoharan, for R2
Additional Government Pleader

ORDER

The Writ Petition is filed for a certiorarified mandamus calling for the records relating to the order dated 31.07.2023 and quash the same and consequently direct the respondents to consider the Application No.2660323364 dated 31.03.2023.

2. The grievance of the petitioner is that, the petitioner purchased the property and it is now seeking electricity connection in respect of the property. The connection was not given stating that the survey numbers are also mentioned in one earlier approval order by the DTCP as if, part of it is donated as pathway and roads in respect of a layout that is formed.



3. According to the petitioner, the same is only an inadvertent error by wrongly mentioning the survey numbers. The petitioner's property was never dealt with in the earlier layout. Therefore, the respondents ought to have seen the same and granted electricity connection.

4. In this regard, on perusal of the typed set of papers filed by the petitioner, the petitioner seems to have moved first writ petition in W.P. No.27299 of 2023. The prayer in the said writ petition is to direct the respondents 1 to 5 including the Inspector General of Registration, Sub Registrar and the Plot Development Officer to conduct a fair enquiry and pass an order to rectify the schedule and other relevant entries, relating to the Gift Deed to remove the Survey Nos. 546/1B, 546/1D and 546/2 belonging to the petitioner which are not included in the Real Value Nagar Phase-III DTCP approved Layout 48A/2000. After hearing both parties, the writ petition was disposed of on the following terms and it is relevant to extract paragraphs 3 and 4 of the said order, which reads as follows: -

“3. At the outset, this Court is of the view that the very relief sought in the writ petition is frivolous, misconceived and cannot be maintained. The very allegations in the representation indicate that the petitioner purchased the property, which has already been



dealt with in the year 2008. The same clearly indicates that prior right has already been created and prior transaction already took place. Now, the submission of the learned counsel appearing for the petitioner is that the numbers have been wrongly mentioned in the earlier document. Even if that be so, such correction cannot be rectified by the registering authority. It is for the petitioner to establish such fact before the competent civil Court. Accordingly, I do not find any merit in the writ petition and the same deserves to be dismissed.

4. In the result, the writ petition is dismissed. However, there is no order as to costs.”

5. Thereafter, the petitioner once again filed writ petition in W.P. No. 36022 of 2024. This time, the Director of Town and Country Planning, Block Development Officer and President of the Panchayat were made as parties. The prayer in the said writ petition is to issue a writ of mandamus directing the second respondent namely the Deputy Director of Town and Country Planning to dispose of the petitioner's representation dated 06.03.2024 was filed. Again the very same submissions are made. It was represented that there is a suit pending between the parties in O.S. No. 102 of 2014 and that does not in any matter relate to the property of the petitioner. The earlier writ petition order is not discussed in the said writ petition order. However, the writ petition was



disposed of in the following terms and it is essential to extract paragraphs 5 and 6 of the said order, which reads as follows: -

“5. The representation of the petitioner will have to be examined and an order will have to be passed by the 2nd respondent whether the lands had been inadvertently included in the gift deed bearing Doc. No.1067 of 2008 dated 30.01.2008 and whether the petitioner is a bonafide purchaser of the said lands. Let the 2nd respondent conduct a detailed enquiry by issuing notice to the petitioner and also to the 3rd and 4th respondents and also to the entity which is forming the layout and examine all the records and thereafter, pass an order. Opportunity of being heard much be provided and if documents are produced, they must also be taken on record and thereafter, a considered order may be passed. The 2nd respondent should complete the enquiry within a period of four months from the date on which all parties to whom notice has been issued enter appearance.

6. With the above observations, this Writ Petition stands disposed of. No costs.”

6. Under these circumstances, now the petitioner seems to have made an application for grant of electricity connection. Upon receipt of the objections that the survey numbers are earlier covered in the Gift Deed, again the impugned order dated 31.07.2023 is passed by the respondents to clarify the title of the petitioner in respect of the said lands.



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7. When the matter came up for hearing, again the learned counsel appearing on behalf of the respondents would submit that the objections have been duly received from the appropriate authorities and that is why the petitioner was requested to clarify the position.

8. It can be seen that when the petitioner sought relief to rectify the deed, the same was negatived by this Court with liberty to the petitioner to approach the civil Court. When the petitioner thereafter came by way of the second writ petition with reference by making the Deputy Director of Town and Country Planning as a party, the Court has directed to consider the representation. Learned counsel for the petitioner submits that the representation has not been considered so far.

9. In view thereof, the Electricity Board would obviously be bound by the first writ petition order, in which the matter has been decided on merits and the party has been relegated to go to the civil Court. In the event, that the Deputy Director of Town and Country Planning considers the representation pursuant to the second writ petition order and if any favourable order that is passed on



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behalf of the petitioner leaving out its survey numbers, then it can very well approach the electricity authorities and they will consider the same.

10. With the above observations, the prayer to challenge the order dated 31.07.2023 as such cannot be countenanced and the Writ Petition stands disposed of with the aforesaid liberty reserved to the petitioner. No costs.

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Index : Yes/No

Neutral Citation : Yes/No

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D. BHARATHA CHAKRAVARTHY, J.

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