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W.P. No.45718 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.45718 of 2025

and

W.M.P. Nos.50950 and 50951 of 2025

KSJ SPINS AND WEAVERS PRIVATE LIMITED,

having its registered office at

1/610E, Ayakadu, Kadachanallur,

Pallipalayam, Namakkal-638 008

Represented by its Director Jhayeshkumar K.S.

... Petitioner

vs.

1. THE EXECUTIVE ENGINEER

(OPERATION AND MAINTENANCE),

Tamil Nadu Power Generation and Distribution Corporation.

Pallipalayam,

Kumarapalayam Taluk,

Namakkal District - 638 006.

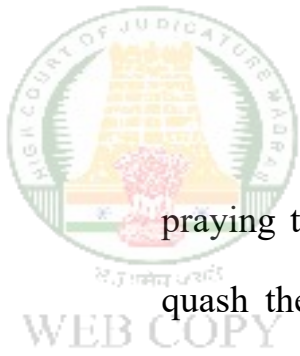
2. THE ASSISTANT DIRECTOR,

Town and Country Planning (DTCP),

Namakkal, Namakkal District-637 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India



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praying to issue Writ of Certiorarified Mandamus, to call for the records and quash the impugned letter dated 03.07.2025 bearing Na. Ka. No. 2688/2025 issued by the 2nd Respondent as well as the impugned show cause notice dated 14.07.2025 bearing Ka. No.Se.Po.E.Pa/Va.A/Ko.Complaint No.532/2025-26 issued by the 1^a Respondent both seeking to suspend the electricity service connection granted to the Petitioner's industry and consequentially direct the Respondents to maintain status quo pending the 2nd Respondent's consideration of the Petitioner's appeal/representation dated 11.07.2024 for extension of the Floor Space Index (FSI) limit of their industrial building

For petitioner : Mr.D. Ambarish
For respondents : Mr.S. Kalaiselvan for R1
Mr.P. Ganesan,
Addl. Govt. Pleader for R2

ORDER

This writ petition has been filed to call for the records and quash the impugned letter dated 03.07.2025 bearing Na.Ka. No.2688/2025 issued by the 2nd respondent as well as the impugned show cause notice dated 14.07.2025 issued by the 1st respondent both issued to suspend the electricity service



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connection granted to the petitioner's industry and consequentially direct the respondents to maintain status quo pending the 2nd respondent's consideration of the petitioner's appeal / representation dated 11.07.2024 for extension of the Floor Space Index (FSI) limit of their industrial building.

2. It is stated that the petitioner company was founded by a first-generation entrepreneur running a power and handloom industrial unit employing about 15 workers on the lands comprised in S.Nos.6/1D, 6/1E and 6/2B at Kadachanallur Village, Pallipalayam Taluk, Namakkal District.

3. Initially, the petitioner was granted planning permission by the 2nd respondent on 15.04.2021 for putting up an industrial building with an approved FSI area of 822.91 m², based on the certificate dated 18.02.2021 issued by the Block Development Officer and after satisfying the mandatory requirements under the Tamil Nadu Combined Development and Building Rules, 2019.



4. During construction, there was a deviation, which, according to the petitioner, is well within the permissible limit under the said 2019 Rules. However, one Rajamanickam, a neighbouring landowner, made a complaint before the authorities concerned alleging the said unauthorised construction and also filed W.P. No.10066 of 2023. By order dated 07.06.2023, the Hon'ble Division Bench of this Court directed the respondents 1 to 5 therein to consider the representation of the said complainant dated 16.03.2023. Pursuant to aforesaid directions, the 2nd respondent sent a communication dated 03.07.2025 to the 1st respondent, which is impugned herein, whereby it was stated to suspend the electricity service connection provided to the subject property of the petitioner. Pursuant to which, the 1st respondent issued the consequential impugned show cause notice dated 14.07.2025 calling upon the petitioner to explain as to why the electricity service connection granted to the petitioner's vacant land should not be suspended. In the interregnum period, the petitioner filed appeal before the Government on 11.07.2025. Challenging the



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communication dated 03.07.2025 issued by the 2nd respondent and the show

cause notice dated 14.07.2025 issued by the 1st respondent, the present writ petition has been filed.

5. Subsequent to the impugned show cause notice dated 14.07.2025, the petitioner submitted an application dated 20.08.2025 seeking not to suspend the electricity service connection granted to the petitioner's vacant land pending disposal of the petitioner's appeal / representation against the refusal to extend the approved FSI limit of the vacant land. Till date, no response has been received by the petitioner to the said representation. Under such circumstances, and in view of the petitioner's apprehension that suspension of the electricity service connection to their industrial unit would cause serious prejudice to the petitioner as well as affect the livelihood of the labourers employed therein, the petitioner has been constrained to approach this Court by filing the present writ petition seeking the aforesaid relief.



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6. Learned counsel for the petitioner submitted that proper approval has been issued by the Block Development Officer, to construct the subject building in the petitioner's land and necessary documents were also submitted in this regard. It is the main contention of the learned counsel for the petitioner that though there is a small deviation in the construction, the said deviation is well within the permissible limit. Without analysing the same, the 2nd respondent issued the impugned communication dated 03.07.2025 to the 1st respondent to suspend the electricity service connection provided to the subject property of the petitioner. He further submitted that based on the said communication dated 03.07.2025, the 1st respondent issued the show cause notice dated 14.07.2025, which is also impugned herein.

7. Drawing the attention of this Court to the directions issued by the Division Bench of this Court in W.P. No.10066 of 2023, he fairly submitted that an Advocate Commissioner was appointed vide order dated 06.04.2023 to furnish a report with regard to the aforesaid construction. He further admits that



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pursuant to directions after conducting inspection, the Advocate Commissioner

also submitted that there is deviation between the approved plan and the construction. He mainly argued that though there is a deviation, but the same is within the permissible limit of Tamil Nadu Combined Development and Building Rules, 2019 and thereby, the petitioner approached the authorities concerned for regularisation. He further argued that pendency of the petitioner's appeal / representation dated 11.07.2024, these impugned proceedings, dated 03.07.2025 and 14.07.2025 were issued by the respective respondents and as such they are unsustainable and therefore, prayed for quashment of the said proceedings as well for allowing this writ petition.

8. Per contra, the learned Additional Government Pleader appearing for the 2nd respondent submitted that the petitioner has himself admitted that there was deviation from the approved plan. He further contended that, based on the complaint lodged by the petitioner's neighbour and pursuant to the directions of this Court in the writ petition filed by the said neighbour, the 2nd respondent has



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initiated action. It is the consistent view of the Courts that in cases of

unauthorised construction, electricity connection should not be provided. He specifically pointed out that the Advocate Commissioner appointed by this Court in W.P. No.10066 of 2023, filed by the petitioner's neighbour, has also reported the existence of deviation. In such circumstances, the 2nd respondent has rightly issued the Communication dated 03.07.2025 to the 1st respondent for suspension of electricity service connection to the petitioner's premises. Hence, the Communication dated 03.07.2025 is valid, and no interference is warranted at this stage. On the above grounds, he prayed for dismissal of the writ petition.

9. Mr. S. Kalaiselvan, learned counsel for the 1st respondent submitted that pursuant to the Communication dated 03.07.2025, the 1st respondent issued a show cause notice dated 14.07.2025 proposing suspension of electricity connection, and the petitioner's explanation is under consideration. In the meantime, the petitioner has approached this Court. Therefore, appropriate



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directions may be issued by this Court in the above regard.

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10. Subsequently, learned counsel for the petitioner submitted that the petitioner apprehends that suspension in electricity connection would cause severe hardship to run petitioner's industrial unit and will affect the livelihood of workers employed in the petitioner's firm. Therefore, considering the aforesaid circumstances, this Court may issue directions to dispose of the petitioner's appeal / representation dated 11.07.2024 before the Government to prove that the petitioner's claim is a genuine one. Till such time, he sought a restraint order against the impugned Communication/proceedings issued by the respondents and status quo may be granted.

11. Heard the learned counsel on either side and perused the materials placed on record.

12. Admittedly, the petitioner has put up the construction pursuant to planning permission granted in 2021 and that there exists a deviation. It is brought to the notice of this Court that based on the petitioner's neighbour

9/13



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complaint, the 2nd respondent has issued the impugned communication dated

03.07.2025 directing disconnection of electricity and the 1st respondent has in

turn, issued a show cause notice dated 14.07.2025. It is not in dispute that the

petitioner has preferred an appeal before the Government on 11.07.2024 as

against the order of the 2nd respondent. Further it is clear from the arguments

made by the learned Additional Government Pleader that the Advocate

Commissioner appointed by the Division Bench of this Court in W.P. No.10066

of 2023, which has been filed by the petitioner's neighbour has also reported the

existence of deviation. When that be so, considering the fact that the pendency

of the appeal and the apprehension of the petitioner with regard to disconnection

of electricity would affect the functioning of the industrial unit as well as taking

into account the livelihood of the workers employed in the petitioner industrial

unit, this Court is of the view that the petitioner's appeal / representation has to

be disposed of by the Government as expeditiously as possible and interference

by this Court in the impugned orders at this stage would create several issues.

However, if the petitioner prefer to obtain a restraint order, they are at liberty to

approach the Government / appellate authority by filing an interim application



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before them with regard to the aforesaid apprehension. Therefore, this Court is

not inclined to issue any positive directions to the petitioner.

13. In such view of the matter, the Government is directed to dispose of the petitioner's appeal / representation dated 11.07.2024 with regard to deviation, which according to the petitioner is within the permissible limit, along with interim application, if any filed by the petitioner, on merits and in accordance with law, as expeditiously as possible. Till such time, the respondents shall not take any coercive steps pursuant to the impugned order dated 03.07.2025 and the show cause notice dated 14.07.2025, for a period of two weeks from the date of receipt of a copy of this order. However, it is made clear that after expiry of the period of two weeks, it is for the respondents to take action against the petitioner, in accordance with law.

14. With the aforesaid observations and directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24.11.2025



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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

vsi2

M.DHANDAPANI, J.

vsi2

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