

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30-11-2007

CORAM:

THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.P.No.34968 of 2007

&

M.P.No.1 of 2007

Soorya Foundations
Rep by its Proprietor P.Madhusudhan Reddy,
"Sri Sadan" Flat No.A1, First Floor,
New No.23, Old No.12, Thirumurthy Street,
T.Nagar,
Chennai 600 017.

. . . Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
No.800 Anna Salai,
Chennai 600 002.

2.The Chief Engineer (Comm1.)
Tamil Nadu Electricity Board,
No.800 Anna Salai,
Chennai 600 002.

3.The Superintending Engineer,
Tamil Nadu Electricity Board,
CEDC-Central Valluvarkottam,
Chennai 600 034.

4.The Executive Engineer (O&M)
Tamil Nadu Electricity Board,
O&M Valluvarkottam,
Chennai 600 034.

5.Chennai Metropolitan Development Authority,
rep. by its Member Secretary.

. . . Respondents

The writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to issue advise slips for the payment of the service connection charges, C.C.deposit, Meter Caution deposit and Development charges and complete the extension of electricity service connections and energize the same to the single project of residential apartment consisting of 8 flats and 1 common connection situated at New Door No.152, Old No.121 Habibullah Road, T.Nagar, Chennai.

For Petitioner : Mr.D.B.R.Prabhu

For Respondents :Mr.C.kathiravan for R5
Mr.P.Subbiah for R1 to R4

ORDER

Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

2. The learned counsel appearing for the fifth respondent would submit that pursuant to the direction of this Court on 22.11.2007, the CMDA has filed the report today. The deviation stated to have been committed by the writ petitioner is as follows;

DESCRIPTION	AS PER APPROVED PLAN	AS ON SITE CONDITION	DEVIATION/REMARKS
Length of the building	40.73m	40.80m	Excess by 0.07m
Width of the building	8.46m	9.10m	Excess by 0.64m
Width of the building	5.72m	5.90m	Excess by 0.18m
Front Set Back	3.65m	3.70m	Nil
Rear Set Back	4.52m	4.60m	Nil
Rear Set Back	5.49m	5.13m	Less by 0.36m
Side Set Back (East)	4.61m	4.50m	Less by 0.11m

DESCRIPTION	AS PER APPROVED PLAN	AS ON SITE CONDITION	DEVIATION/REMARKS
Side Set Back (West)	4.62m	3.90m	Less by 0.72m
	4.99m	4.40m	Less by 0.59m
	4.61m	4.25m	Less by 0.36m
	4.62m	4.52m	less by 0.10m
	4.57m	4.70m	Nil
	4.70m	4.60m	Less by 0.10m
Floor Space Index	1.49 (1213.41 m ²)	1.58 (1286.30m ²)	Excess by 0.08 (1.58 - 1.50)
Balcony Width	1.00m	1.15m	Excess by 0.15m

3. A reference to the deviation found by the CMDA shows that they are minimal. In view of the same, the writ petition is disposed of with a direction to the fourth respondent to issue necessary service connection to the petitioner premises situated at New Door No.152, Old No.121 Habibullah Road, T.Nagar, Chennai-17 within a period of three weeks from the date of receipt of a copy of this order. It is made clear that as far as the deviation stated to have been committed by the petitioner in the report, it is up to the CMDA to decide while giving completion certificate. No costs. Consequently, connected miscellaneous petition is closed.

jkr

Sd/
Asst.Registrar

/true copy/ सत्यमेव जयते

Sub Asst.Registrar

To

1.The Chairman,
Tamil Nadu Electricity Board,
No.800 Anna Salai,
Chennai 600 002.

WEB COPY

2.The Chief Engineer (Comml.)
Tamil Nadu Electricity Board,
No.800 Anna Salai,
Chennai 600 002.

3.The Superintending Engineer,
Tamil Nadu Electricity Board,
CEDC-Central Valluvarkottam,
Chennai 600 034.

4.The Executive Engineer (O&M)
Tamil Nadu Electricity Board,
O&M Valluvarkottam,
Chennai 600 034.

5.The Member Secretary.
Chennai Metropolitan Development Authority,

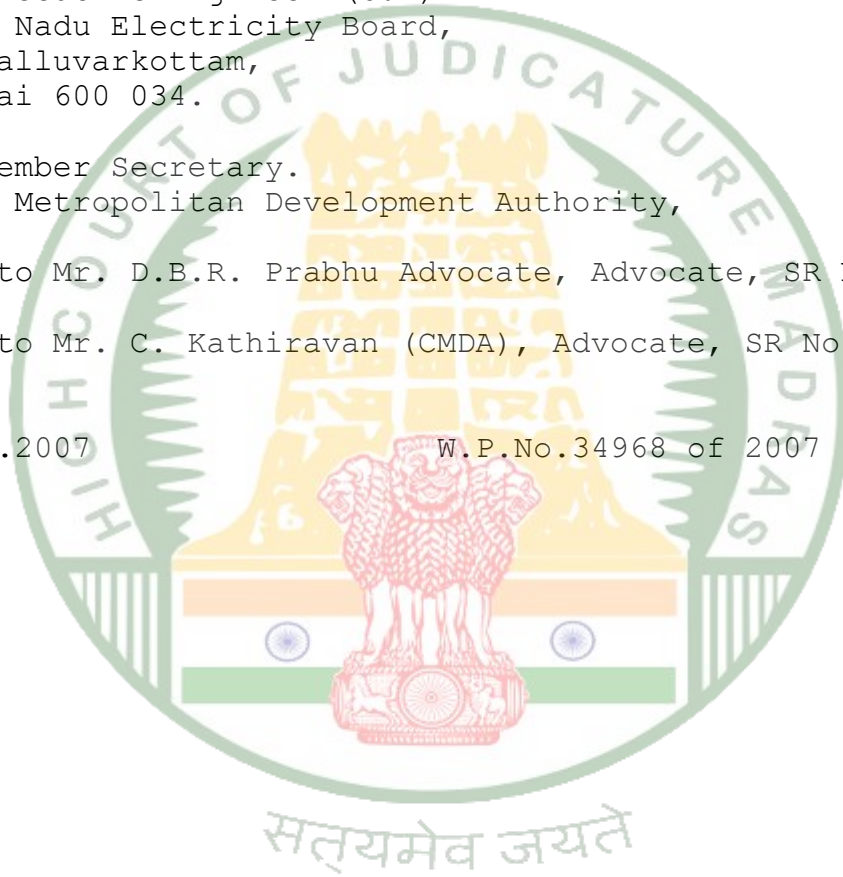
+ 1 cc to Mr. D.B.R. Prabhu Advocate, Advocate, SR No.71075

+ 1 cc to Mr. C. Kathiravan (CMDA), Advocate, SR No.71059

SCD(CO)

SR/6.12.2007

W.P.No.34968 of 2007



WEB COPY