

ismath Vs. the Commissioner

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Court : Chennai

Decided On : Mar-01-2012

Judge : R.Sudhakar, J.

Appeal No. : Writ Petition No.43249 of 2002

Appellant : ismath.

Respondent : The Commissioner.

Advocate for Def. : Mr.V.Bharathidasan, Adv.

Advocate for Pet/Ap. : Mrs.R.T.Shyamala, Adv.

Judgement :

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari, to call for the records in Lr.No.AE/O & M/CPK/F.Cont./D-3 dated 23.11.2002 issued by the third respondent to the petitioner in respect of the building bearing the Old Door No.10, Old Door No.9, Typoon Alikhan Street, Triplicane, Chennai-5 and quash the same.

ORDER

1. This Writ Petition is filed praying to issue a Writ of Certiorari, to call for the records in Lr.No.AE/O & M/CPK/F.Cont./D-3 dated 23.11.2002 issued by the third respondent to the petitioner in respect of the building bearing the New Door

No.10, Old Door No.9, Typoon Alikhan Street, Triplicane, Chennai-5 and quash the same.

2. Petitioner Mr.Ismath, son of Pacir Mohammed, claimed to be the owner of the site and building situate at No.16, Abdul Kareem Street, Triplicane, Chennai-5 purchased by a registered sale deed dated 31.5.2000. Petitioner is aggrieved by the impugned proceedings served on him showing the address as New No.10, Old No.9, Typoon Alikhan Street, Chepauk, Chennai where it has been stated that power supply is disconnected.

3. Petitioner has stated in the affidavit that he went to the authorities and informed them that the notice has been issued to him showing the address as New No.10, Old No.9, Typoon Alikhan Street, Chepauk, Chennai and the property in the said address does not belong to the petitioner. In fact in para 5 petitioner states that he is not the owner of the building situate at No.9, Typoon Alikhan Street, Triplicane, Chennai-5. Petitioner further states that his son has applied for regularization in respect of the property situated at No.16, Abdul Kareem Cross Street, Triplicane, Chennai-5 only.

4. The third respondent filed a counter-affidavit. In para 12 of the counter-affidavit it is stated as follows:- 12) I further submit that the service connection was not disconnected and the petitioner's son applied for regularization and the same is pending with the 2nd respondent.

5. In view of the clear and categorical statement made by the petitioner, and the stand taken by the third respondent as above, the third respondent is directed to make proper enquiry and take necessary steps for disconnection if the identity of the property is found out correctly and if it is necessary at this point of time. Till such time, the interim injunction granted on 4.12.2002 and made absolute on 23.9.2003 in WPMP No.63635 of 2002 shall continue.

6. The Writ Petition is disposed of as above. No costs.