

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

Writ Petition No.10235 of 2015

D.Fathima

... Petitioner

Vs.

- 1.The Assistant Engineer,
Tamil Nadu Electricity Board,
Distribution/Siva Kanchi Division,
Tamil Nadu Power Supply & Distribution Circle,
Kancheepuram.
- 2.The Tamil Nadu Electricity Board,
Represented by its Chairman,
Anna Salai, Chennai.
- 3.The Tamil Nadu Wakf Board,
Rep. By The Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 1.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to grant power connection to the petitioners property at Plot No.6, Hameed Oulia Nagar, Kancheepuram, without insisting upon NOC by the Wakf Board.

For Petitioner : Mr.N.A.Nissar Ahmed
For RR1 & 2 : Mr.P.Gunaraj
For R.3 : Mr.Mohamed Fayaz Ali

ORDER

The petitioner contends that she is a lawful tenant in respect of the land in Plot No.6, Hameed Oulia Nagar, Kancheepuram, which is a wakf property under the supervision and control of the third respondent. The petitioner applied for power connection to the first respondent through her application dated 26.03.2015. However, the respondents have not given any electricity service connection. Hence, the petitioner is before this Court with this writ petition.

2.Heard N.A.Nissar Ahmed, learned counsel for the petitioner; Mr.P.Gunraj, learned counsel for the respondents 1 and 2 and Mr.Mohamed Fayaz Ali, learned counsel for the third respondent and also perused the records.

3.Though, the learned counsel for the third respondent would contend that the petitioner is not in lawful occupation, the third respondent/Wakf Board is ready to receive the rent from the petitioner and to issue No Objection Certificate for getting electricity service connection.

4.In the result, the writ petition is disposed with a direction to the petitioner to pay rent and get No Objection Certificate from the third respondent and produce the same to the first respondent. On such production of No Objection Certificate by the petitioner, the first respondent is directed to give electricity service connection to the petitioner, within a period of 10 days thereafter. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jbm

To

- 1.The Assistant Engineer,
Tamil Nadu Electricity Board,
Distribution/Siva Kanchi Division,
Tamil Nadu Power Supply & Distribution Circle,
Kancheepuram.
- 2.The Chairman,
The Tamil Nadu Electricity Board,
Anna Salai, Chennai.
- 3.The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 1.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.40913

+1cc to Mr.P.Gunaraj, Advocate, S.R.No.41044

+1cc to Mr.Mohammed Fiyaz Ali, Advocate, S.R.No.41662

W.P.No.10235 of 2015

SKV(CO)

CA(04/09/2015)