

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.10650 of 2015
and
M.P.No.1 of 2015

M.Rani

...Petitioner

Vs.

1. The Divisional Engineer,
Tamil Nadu Electricity Board,
Ponneri.
2. The Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Panchetti.
3. The Assistant Engineer,
Tamil Nadu Electricity Board,
Poovalambedu,
Gummidipoondi Taluk,
Thiruvallur District.

...Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 17.3.2015 and thereby, direct the third respondent to restore the electricity connection of the petitioner bearing Connection No.098-02/12-51.

For Petitioner : Mr.P.Chandrasekar
For Respondents : Mr.P.R.Dhilipkumar
Standing Counsel for TNEB

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 17.3.2015.

2. Learned counsel for the petitioner contends that the petitioner is the owner of the property comprised in Survey Nos.159/5 and 159/13 measuring to an extent of 2 acres which has been allotted by the Government under the landless poor schemes as per G.O.No.555 of Revenue Department, dated 26.08.2006 and she has been in possession of the property. The District Revenue Office, Thiruvallur, also granted Patta in favour of the petitioner through Patta No.785. Electricity Service Connection was obtained by the petitioner bearing Account No.098:010:73 and the petitioner had been paying the consumption charges.

3. When the things stand so, the petitioner's brothers challenged the patta issued to the petitioner in W.P.No.28364 of 2010 and the Writ Petition was disposed of by order dated 17.8.2011. Writ Appeal No.2213 of 2011 filed by the petitioner's brothers was also dismissed on 29.11.2011. Thereafter, the petitioner's brothers filed a suit in O.S.No.44 of 2014 before the District Munsif Court, Ponneri for a decree of declaration of 1/6th share of each in the suit property. By decree and judgment dated 10.07.2014 of the District Munsif Court, Ponneri, 1/6th share was allotted in favour of the petitioner's brothers each and against the said decree and judgment, the petitioner filed an appeal suit in A.S.No.57 of 2014.

4. When things stand so, the respondents disconnected the petitioner's service connection stating that the petitioner has not paid the service charges. Thereafter, when the petitioner attempted to make the payment of service charges, the same was refused to be received on the ground that the brothers of the petitioner are objecting to it. Therefore, the petitioner has given a representation to the respondents on 17.03.2015 praying for re-connection to the petitioner's bore well. Since the representation has not been disposed of, the petitioner has come before this Court.

5. Heard Mr.P.Chandrasekar, learned counsel for the petitioner and Mr.P.R.Dhilipkumar, learned standing counsel for the respondents.

6. It is seen that the petitioner was already given patta in 2009 itself. She has been enjoying the electricity service connection till it was disconnected by the respondents. Irrespective of dispute between the the parties, when the petitioner obtained

independent electricity service connection and the dispute between the petitioner and her brothers regarding title of the property having not come to finality, there cannot be any bar for the petitioner to enjoy the electricity service connection. Similarly, the pendency of the proceedings between the petitioner and her brothers cannot be an obstacle for the respondents to give re-connection. Moreover, at the time of giving service connection, there was no dispute between the petitioner and his brothers and later only, the dispute arose. It is not a new service connection sought for by the petitioner. Therefore, till the dispute attains finality and the Civil Court declares right of the petitioner, there should not be any prohibition for the petitioner to enjoy the electricity service connection.

7. In view of that, the respondents are directed to give re-connection of electricity service in respect of Account No.098:010:73 within two days from the date of receipt of service charges.

8. With the above direction, the Writ Petition is disposed of. The connected Miscellaneous Petition is closed. No costs.

Post the matter for reporting compliance on 25.08.2015.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

asvm

To

1. The Divisional Engineer,
Tamil Nadu Electricity Board,
Ponneri.
2. The Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Panchetti.

3. The Assistant Engineer,
Tamil Nadu Electricity Board,
Poovalambedu,
Gummidipoondi Taluk,
Thiruvallur District.

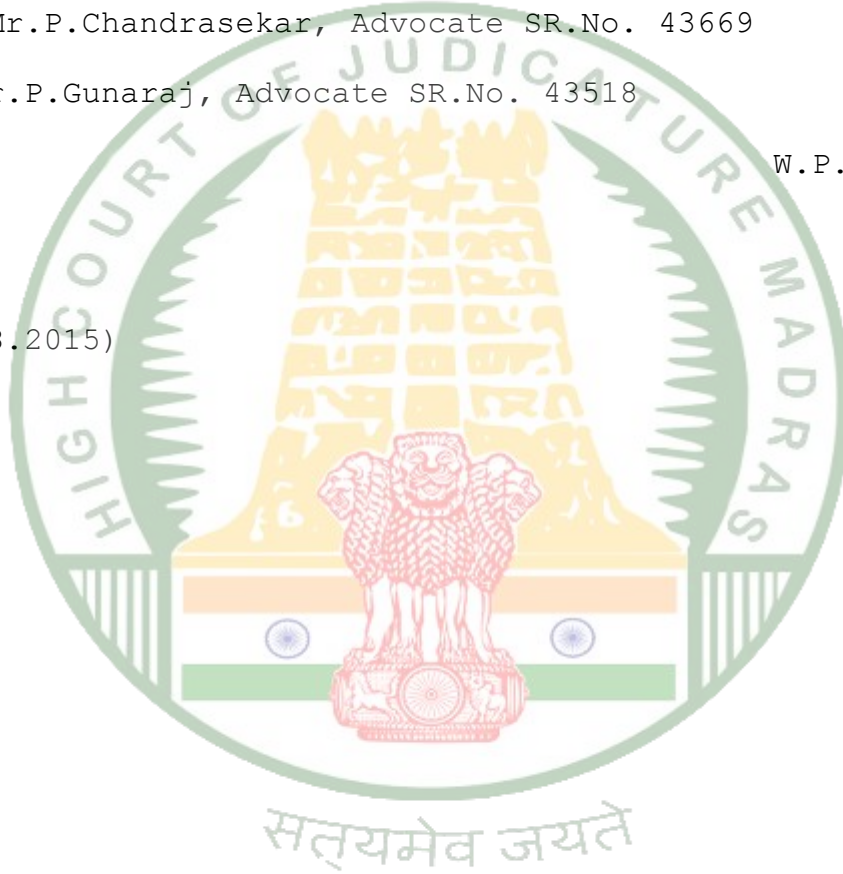
4. The Section Officer,
Writ Section, High Court,
Madras - 104.

2 CCs to Mr.P.Chandrasekar, Advocate SR.No. 43669

1 CC to Mr.P.Gunaraj, Advocate SR.No. 43518

W.P.No.10650 of 2015
and
M.P.No.1 of 2015

CA (CO)
PSI (19.08.2015)



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