

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No. 10820 of 2015

D.Chittibabu ..Petitioner

-Vs-

1.The Assistant Engineer
CEDC/South
Tamil Nadu Electricity Board
Porur II
Chennai-116.

2.The Divisional Engineer
CEDC/South
Tamil Nadu Electricity Board
Porur II
Chennai-116.

3.Balasundaram ..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to effect new service connection and install metres to the petitioner's building situated in S.No.325/2, Ramakrishnan Main Road, Porur, Chennai-600 116, on the basis of the sanction given.

For petitioner : Mr.D.J.Venkatesan

For respondents : Mr.P.Gunaraj
for respondents 1 and 2

ORDER

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner claims that he is the owner of the property situated in Survey No.325/2, admeasuring an extent of 0.45 cents of land with building at Ramakrishna Nagar, Main Road, Porur, Chennai-116 and he has purchased the same by means of registered sale deed, dated 19.06.1986 (registered as Document No.1733 of 1986 on the file of Sub-Registrar, Kundrathur). The petitioner would further state that in the year 2002, he has put up construction in the property and he has let out the property for shops. The petitioner has obtained electricity connection in his name and two metres were installed. The petitioner made a request for additional connection and he has

also paid the necessary fee. It is objected to by the third respondent, who is none other than his brother. The third respondent has also filed a suit in O.S.No.402 of 2005 before Additional District Munsif Court, Poonamallee, praying for permanent injunction restraining the Electricity Board from giving service connection in the name of the petitioner and it was dismissed for default vide judgment and decree dated 25.06.2012 and thereafter, the petitioner submitted a representation dated 05.08.2014 seeking additional connection and it was declined by the first respondent vide proceedings dated 14.08.2014 by stating that on account of the pendency of the Civil Suit, it cannot be considered and hence, the petitioner came forward to file the Writ Petition.

3. Mr.D.J.Venkatesan, learned counsel appearing for the petitioner would submit that subsequently, the suit in O.S.No.402/2005 was restored to file and once again, it came to be dismissed for default on 11.10.2014 and hence, the petitioner may be permitted to submit a fresh representation to the first respondent, who on receipt of the same may be directed to consider the same and pass orders on merits.

4. On the above submission, the Court heard the submission of Mr.P.Gunaraj, learned Standing Counsel appearing for the respondents 1 and 2.

5. Having regard to above, this Court is inclined to dispose of the Writ Petition, giving liberty to the petitioner to submit a fresh representation to the first respondent within a stipulated time frame and the first respondent on receipt of the same shall consider the same and pass appropriate orders on merits.

6. In the result, the Writ Petition is disposed of and the petitioner is at liberty to submit a fresh representation to the first respondent bringing to his knowledge about the dismissal of O.S. No. 402 of 2005 for default on 11.10.2014, within a period of two weeks from the date of receipt of a copy of this order and the first respondent on receipt of the same is directed to consider the same and pass appropriate orders, on merits and in accordance with law, after putting the third respondent on notice, as expeditiously as possible, preferably, not later than four weeks from the date of receipt of the representation to be submitted by the petitioner. There is no order as to costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Assistant Engineer
CEDC/South
Tamil Nadu Electricity Board
Porur II, Chennai-116.

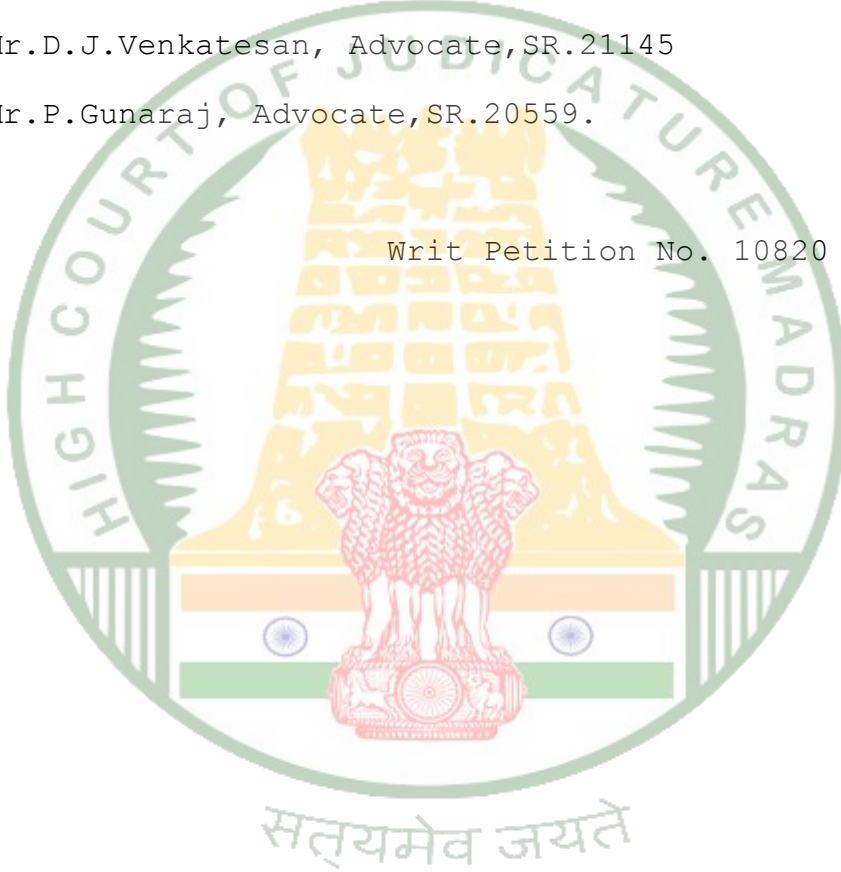
2.The Divisional Engineer
CEDC/South
Tamil Nadu Electricity Board
Porur II, Chennai-116.

+1 cc to Mr.D.J.Venkatesan, Advocate,SR.21145

+1 cc to Mr.P.Gunaraj, Advocate,SR.20559.

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