

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WP.Nos.1554 to 1559/2015

K.Kethiswaran	..	Petitioner in WP.No.1554/2015
S.Ashok Rajkumar	..	Petitioner in WP.No.1559/2015
N.Venkatesan	..	Petitioner in WP.No.1558/2015
C.Savariyar	..	Petitioner in WP.No.1557/2015
V.Anusuya	..	Petitioner in WP.No.1556/2015
A.Vedabai	..	Petitioner in WP.No.1555/2015

Versus

1.The Assistant Engineer [O&M]
Tamil Nadu Electricity Board
Lakshmipuram, TANGEDCO/CEDC/NORTH
Chennai 600 099.

2.Mir Feroze Ali .. Respondents in
all the writ petitions

Prayer in WP.No.1554/2015:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to provide electricity connection [domestic purpose] to the petitioner's premises, viz., Plot No.127, 3rd Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099 based on his application dated 03.10.2014.

Prayer in WP.No.1559/2015:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to provide electricity connection [domestic purpose] to the petitioner's premises, viz., Plot No.61, 1st Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099 based on his application dated 03.10.2014.

Prayer in WP.No.1558/2015:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing

the 1st respondent to provide electricity connection [domestic purpose] to the petitioner's premises, viz., Plot No.36, 2nd Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099 based on his application dated 03.10.2014.

Prayer in WP.No.1557/2015:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to provide electricity connection [domestic purpose] to the petitioner's premises, viz., Plot No.58, 1st Main Road, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099 based on his application dated 03.10.2014.

Prayer in WP.No.1556/2015:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to provide electricity connection [domestic purpose] to the petitioner's premises, viz., Plot No.28, 1st Main Road, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099 based on his application dated 03.10.2014.

Prayer in WP.No.1555/2015:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to provide electricity connection [domestic purpose] to the petitioner's premises, viz., Plot No.39, 2nd Cross Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099 based on his application dated 03.10.2014.

For Petitioners in
all the writ petitions : Mr.S.P.Sudalaiyandi

For R1 in all the writ
petitions : Mr.P.R.Dhilipkumar

For R2 in all the writ
petitions : Mr.A.Shaik Sulaiman

COMMON ORDER

By consent, the writ petitions are taken up for final disposal.

2. The petitioners would state the subject matter of the property in Survey Nos.13 and 14 situated at Bharath Rajiv Nagar, Kolathur, Chennai-99, belongs to the Government and the predecessors in title were in possession and enjoyment of the said properties from 1979 onwards without any hindrance and they have also paid the statutory levies.

2a. The petitioner in WP.No.1554/2015 claims to have purchased the property in that survey number admeasuring to an extent of 1600

sq.ft. during the year 1995, by means of a registered Sale Deed dated 17.02.1995 in Plot No.127, 3rd Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099, for a valuable consideration and thereafter, put up a superstructure and submitted an application dated 03.10.2014 to the 1st respondent for getting the electricity service connection.

2b. The petitioner in WP.No.1555/2015 claims to have purchased the property in that survey number admeasuring to an extent of 880 sq.ft. during the year 2012, by means of a registered Sale Deed dated 27.05.2012 in Plot No.39, 2nd Cross Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099, for a valuable consideration and thereafter, put up a superstructure and submitted an application dated 03.10.2014 to the 1st respondent for getting the electricity service connection.

2c. The petitioner in WP.No.1556/2015 claims to have purchased the property in that survey number admeasuring to an extent of 600 sq.ft. during the year 2013, by means of a registered Sale Deed dated 06.12.2013 in Plot No.28, 1st Main Road, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099, for a valuable consideration and thereafter, put up a superstructure and submitted an application dated 03.10.2014 to the 1st respondent for getting the electricity service connection.

2d. The petitioner in WP.No.1557/2015 claims to have purchased the property in that survey number during the year 1998, in Plot No.58, 1st Main Road, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099, for a valuable consideration and thereafter, put up a superstructure and submitted an application dated 03.10.2014 to the 1st respondent for getting the electricity service connection.

2e. The petitioner in WP.No.1558/2015 claims to have purchased the property in that survey number during the year 2004, in Plot No.36, 2nd Cross Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099, for a valuable consideration and thereafter, put up a superstructure and submitted an application dated 03.10.2014 to the 1st respondent for getting the electricity service connection.

2f. The petitioner in WP.No.1559/2015 claims to have purchased the property in that survey number admeasuring to an extent of 1200 sq.ft. during the year 2013, by means of a registered Sale Deed dated 19.11.2013 in Plot No.61, 1st Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099, for a valuable consideration and thereafter, put up a superstructure and submitted an application dated 03.10.2014 to the 1st respondent for getting the electricity service connection. Since the 1st respondent, based on the objections raised by the 2nd respondent, did not provide the petitioners with the electricity service connection, the petitioners have come forward to file the above writ petitions.

3. Learned counsel for the petitioners has drawn the attention of this Court to the Judgment reported in [2014] 3 MLJ 851 [G.Murugan Vs. Chairman, Tamil Nadu Electricity Board, Anna Salai, Chennai-2 and others] and submitted that one of the neighbours, G.Murugan has filed WP.No.31640/2012 praying for issuance of a writ of mandamus directing the respondents therein to provide the electricity service connection to his house bearing No.188, 4th Street, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai-99 and in the said writ petition, the 2nd respondent herein, viz., Mir Feroze Ali, was arrayed as one of the respondents and this Court, after taking into consideration the facts and circumstances of the case and the suit in OS.No.7335/1996 and further taking into consideration Clause 27[4] of the Tamil Nadu Electricity Distribution Code, 2004, has directed the respondents therein to consider the application submitted by the petitioner therein and pass appropriate orders within the stipulated time. The learned counsel would contend that since the 2nd respondent herein has raised similar objections in these writ petitions also, the above said judgment is squarely applicable to the facts of these cases and prays for appropriate orders.

4. Per contra, Mr.P.R.Dhilipkumar, learned counsel who appears for the 1st respondent has invited the attention of this Court to the Counter Affidavit filed by the 1st respondent and submitted that since there is a dispute between the petitioners and the 2nd respondent and that the 2nd respondent has also raised an objection as to providing of electricity service connection to the petitioners, the applications submitted by the petitioners are not considered by the 1st respondent.

5. This Court has carefully considered the rival submissions and also perused the materials available on record.

6. As rightly contended by the learned counsel for the petitioners, the judgment reported in G.MURUGAN's case [cited supra] reported in [2014] 3 MLJ 851 is squarely applicable to the facts of these cases for the reason that the 2nd respondent herein was also arrayed as the 2nd respondent in that writ petition and raised similar objection and this Court, has taken into consideration various provisions of the Tamilnadu Electricity Supply Code, 2004, as well as Clause 27[4] of the Tamil Nadu Electricity Distribution Code, 2004, has directed the respondents therein to consider the application submitted by the petitioner therein and pass appropriate orders.

7. This Court, in the Judgment reported in [2006] 3 MLJ 59 [K.G.Ravindran V.s Assistant Engineer, Tamil Nadu Electricity Board, Chennai 600 040], has held that "if a tenant furnishes particulars mentioned in Clause 27[4] of the Tamil Nadu Electricity Distribution Code, in case that the landlord refused to consent to giving a service connection to the tenant, the Board may provide the service connection".

8. In the light of the said judgment, the 1st respondent is bound to consider the application submitted by the petitioners for electricity service connection.

9. In the result, the writ petitions are disposed and the 1st respondent is directed to consider the applications submitted by the petitioners dated 03.10.2014 in accordance with law after taking note of the judgment reported in [2014] 3 MLJ 851 [cited supra] as well as clause 27[4] of the Tamil Nadu Electricity Distribution Code, 2004 and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioners.

10. The writ petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

AP

To

The Assistant Engineer [O&M]
Tamil Nadu Electricity Board
Lakshmipuram, TANGEDCO/CEDC/NORTH
Chennai 600 099.

6 cc to Mr. .S.P.Sudalaiyandi, Advocate Sr.No.33483

1 cc to Mr.P.R.Dhilipkumar, Advocate Sr.No.33245

WP.Nos.1554 to 1559/2015

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