

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 17865 of 2015

Mr.S.Sivakumar

... Petitioner

Vs.

1. The Assistant Engineer,
M/s Tamil Nadu Electricity Board,
Avadi Road, Seneer Kuppam,
Poonamallee, Chennai - 600 056.
2. The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.

(Suo motu impleaded as per
order dated 20/08/2015 in
W.P. No. 17865/2015.

.... Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondent to give COMMERCIAL METER CONNECTION to the shop portions at No. 2, Gangai Amman Koil Street, Gandhinagar, Condonment, Poonamallee, Chennai - 600 056, Extent of 500 sq.ft.

For Petitioner

सत्यमेव जयते : Mr.N.Suresh,

For Respondent No. 1

: Mr.P.Gunaraj,

For Respondent No. 2

: Mr.R.Rajeswaran
Special Government Pleader

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ORDER

Heard Mr.N.Suresh, the learned Counsel for the petitioner, Mr.P.Gunaraj learned counsel appearing for the respondent No. 1 and Mr.R.Rajeswaran learned counsel appearing for the respondent No. 2 and with the consent of either side, the writ petition itself is taken up for final disposal at the admission stage.

2. The petitioner has filed this writ petition seeking for a direction upon the 1st respondent to give commercial meter connection to the shop portions at No. 2, Gangai Amman Koil Street, Gandhinagar, Condonment, Poonamallee, Chennai - 600 056, Extent of 500 sq.ft.

3. The petitioner would state that he has constructed a shopping complex in the property which he acquired through a deed of settlement executed by his father bearing document No. 2527 of 2005. From the counter affidavit filed by the 1st respondent, it is seen that the reason for not granting commercial meter is due to an objection given by Smt.D.Chandra Dhanakotti. The said Smt.D.Chandra Dhanakotti, is the defendant in O.S.No. 1347 of 2008, on the file of the District Munsif cum Judicial Magistrate, Sriperumbudur. The plaintiff in the suit is one Mr. Pavai Durai.

4. According to the petitioner, he has got nothing to do with the said suit. However, this Court on perusal of the documents found that the plaintiff in the suit, namely, Mr. Pavai Durai is the 1st attesting witness in the settlement deed dated 24.03.2005, bearing document No. 2527 of 2005. However, this Court does not wish to probe further into the matter as it is for the authority to decide about the petitioner's right over the property and to get commercial meter connection from the concerned authority.

5. In the light of the above, the direction sought for by the petitioner cannot be granted. However, there will be a direction to the 1st respondent to issue notice to the petitioner as well as the said Smt.D.Chandra Dhanakotti and direct them to produce all original documents to prove their right over the property and examine the same and thereafter, pass speaking orders on merits and in accordance with, law within a period of three weeks from the date of receipt of a

copy of this order, subject to the condition that both the petitioner and Smt.D.Chandra Dhanakotti, should co-operate in the proceedings.

With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rms/kal

To

1. The Assistant Engineer,
M/s Tamil Nadu Electricity Board,
Avadi Road, Seneer Kuppam,
Poonamallee, Chennai - 600 056.
2. The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.

+1cc to Mr.P.Gunaraj, Advocate, S.R.No.64428
+1cc to the Government Pleader, S.R.No.64884

W.P.No.17865 of 2015

EV(CO)
CA(15/12/2015)

सत्यमेव जयते

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