

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.19534 of 2015
and M.P.No.1 of 2015

T.Lakshmi

... Petitioner

vs.

The Assistant Engineer,
Tamil Nadu Electricity Board
Chennai Electricity Distribution Circle/South,
Solinganallur, Tambaram Taluk,
Kancheepuram District.

... Respondent

Prayer:- Writ petition filed under Article 226 of the constitution of India praying for a writ of Certiorarified Mandamus calling for the records relating to the respondent in Ka.No./Uo.Po/Solinganallur/No/67/15 dated 22.06.2015 and quash the same, consequently direct the respondent to give a separate commercial electricity connection to the petitioner's premises at No.231, Village Highway Road, Sholinganallur, Chennai 600 119.

For Petitioner : Mr.K.Sathishkumar

For Respondents : Mr.P.Gunaraj,
Standing Counsel for
Electricity Board

ORDER

The petitioner is running a cable TV business at Door No.231 and 232, Village Highway Road, comprised in S.No.439/17, Old No.155, New No.51, Sholinganallur Village, Tambaram Taluk, Kancheepuram District. She is one of the co-owner of the property after the death of her father Natarajan. Even though she is one of the co-owner, the respondent Electricity Board, inspite of application for electricity connection, has not given electricity connection and rejected the petitioner's application by order dated 22.06.2015 stating that she is not the owner of the property. The said order is being challenged before this Court.

2. Heard Mr.K.Sathishkumar, learned counsel appearing for the petitioner and Mr.P.Gunaraj, learned Standing Counsel appearing for the Tamil Nadu Electricity Board.

3. It is an admitted fact that the petitioner is one of the co-owner of the property and a suit for partition is pending before Court against her mother and brother. When the petitioner is in possession of the property as a co-owner, she is entitled to enjoy the property by having an electricity connection either for residential or non-residential purpose as per Section 57 of the Tamil Nadu Electricity Distribution Rules, 2004. Therefore, the reason given by the respondent is not sustainable and the same is set aside. The respondent is directed to give electricity connection to the petitioner as per law, within a period of two weeks from today.

4. The writ petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

5. Post the matter for compliance on 24.08.2015.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rgr
To

1.The Assistant Engineer,
Tamil Nadu Electricity Board
Chennai Electricity Distribution Circle/South,
Solinganallur, Tambaram Taluk,
Kancheepuram District

2.The Section Officer,
Writ Section, High Court, Madras

+1 cc to M/s.P.Mahalakshmi Advocate sr.40778
+1 cc to Mr.P.Gunaraj Advocate sr.40723

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