

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2015

CORAM

THE Hon'ble Mr.JUSTICE M. DURAISWAMY

W.P.No.26826 of 2014

and

M.P.No.1 of 2014

G. Leon West

..... Petitioner

vs

1. The Tamil Nadu Electricity Board, (TNEB)
rep by its Assistant Engineer,
Old Washermenpet, (Vallalar Nagar),
Chennai-600 021

2. K. Rajan

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the first respondent in Ka.En:Udhavipori/E&Pa/Vallalar Privu/Koppu.Cons/D.No.321/2014 dated 30.8.2014 and quash the same and further direct the first respondent to provide domestic electricity service connection in petitioner's house premises in Door No.80-A Model Lane, 2nd Street, Cemetery Road, Old Washermenpet, Chennai-600 021.

For petitioner : M/s G. Saravanan
Sujatha Saravanan &
D. Prathap

For 1st respondent : Mr.P.R. Dilip Kumar
Standing Counsel

For 2nd respondent : No appearance

ORDER

Heard Mr.G. Saravanan, learned counsel for the petitioner and Mr.P.R. Dilip Kumar, learned Standing counsel for the first respondent Electricity Board. Though notice was duly served on the second respondent and his name was also printed in the cause list, none appeared for the second respondent.

2. The petitioner has filed the above writ petition to issue a writ of Certiorari and Mandamus to call for the records pertaining to the impugned order of the first respondent in Ka.En:Udhavipori/E&Pa/Vallalar Privu/Koppu.Cons/D.No.321/2014 dated 30.8.2014 and quash the same and further direct the first respondent to provide domestic electricity service connection in petitioner's house premises in Door No.80-A Model Lane, 2nd Street, Cemetery Road, Old Washermenpet, Chennai-600 021.

3. It is the case of the petitioner that he applied for domestic electricity service connection for his house with the first respondent and the first respondent has passed the impugned order dated 30.8.2014, informing the petitioner that the service connection can be given to the petitioner only if he settles the dispute with the second respondent, who objected for the grant of electricity connection.

4. The first respondent filed their counter stating that the second respondent gave an objection letter to the Executive Engineer on 31.7.2014 and the same was forwarded to the first respondent on 6.8.2014, stating that no service connection should be given to the petitioner in view of the pendency of the suit in O.S.No.4201 of 2014, filed by the second respondent, before the learned XII Assistant Judge, City Civil Court, Chennai.

5. On perusal of the copy of the plaint, produced by the learned counsel for the petitioner, it could be seen that the second respondent has filed a suit against the petitioner for permanent injunction in respect of Old No.78, New No.80, Model Lane, Cemetery Road, Old Washermenpet, Chennai.

6. Admittedly, the petitioner is residing at Door No.80-A. When the subject matter of the suit is only in respect of Door No.80, the second respondent cannot object to the grant of electricity connection to the petitioner, who is residing at Door No.80-A. Supply of Electricity is a basic necessity and therefore, the petitioner is entitled to get service connection for his house.

7. Since the second respondent is objecting for giving service connection to the petitioner, the first respondent Electricity Board can consider the application of the petitioner for electricity supply and grant the same, after obtaining the Indemnity Bond and other fees.

8. Section 27(2) (12) of the Tamil Nadu Electricity Distribution Supply Code states that supply shall be given in

Poromboke land as per directives of Government issued from time to time.

9. In the case on hand, only at the instance of the second respondent, the first respondent had declined to grant electiricity connection. That apart, mere grant of electiricity supply would not confer any right or title over the property, in which, the electiricity supply is given.

10. In these circumstances, the impugned order, passed by the first respondent dated 30.8.2014, is quashed and the first respondent is directed to provide domestic electricity service connection to the petitioner's house in Door No. 80-A Model Lane, 2nd Street, Cemetery Road, Old Washermenpet, Chennai-600 021, after obtaining Indemnity Bond and other necessary documents along with requisite fees within a week's time from the date of receipt of copy of this order.

11. With this observation, the writ petition is allowed. No costs. Consequently, connected MP is closed.

Sd/-
Assistant Registrar
Dated:16.3.15

True Copy

Sub Assistant Registrar

To

The Assistant Engineer,
Tamil Nadu Electricity Board, (TNEB)
Old Washermenpet, (Vallalar Nagar),
Chennai-600 021

+1 cc to Mr.P.R.Dhilip kumar, Advocate,SR.13535.

vsn(co)
krd 23/3

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