

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.24959 of 2015
and M.P.No.1 of 2015

V.Balakrishnan

... Petitioner

vs.

1.Tamilnadu Generation and Distribution Corporation Ltd.,
Rep. By its Chairman,
NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.

2.The Assistant Engineer,
Operation and Maintenance,
Choolaimedu Unit,
TANGEDCO (South)
Chennai - 600 094.

3.Tamilnadu Slum Clearance Board,
Rep.by its Chairman,
No.5, Kamarajar Salai,
Chennai - 600 005.

... Respondents

Prayer:- Writ petition filed under Article 226 of the constitution of India praying for a writ of Mandamus directing the 2nd respondent herein to provide domestic electricity service connection to the petitioner's residence at Plot No.225 (Old No.117), Door No.15, Namachivayapuram West, Choolaimedu, Chennai - 600 094 without insisting upon NOC.

For Petitioner : Mr.Venkiatasamy Babu

For Respondents : Mr.P.Gunaraj for R1 & R2
Mr.S.Prabhu for R3

ORDER

The petitioner's father Venkatachalam was a allotted property namely Plot No.225 (Old No.117), Door No.1, Namachivayapuram West, Choolaimedu, Chennai - 600 094 and he put up a residential house in the year 1976. The petitioner's father died on 23.02.1979.

2. After the demise of the petitioner's father, the petitioner is in possession of a portion of the property and he made an application on 12.09.2014 with the 2nd respondent for providing domestic electricity service connection and paid the requisite fee on 19.09.2014. However, the 2nd respondent called upon the petitioner to produce NOC from his brothers and sisters. The petitioner submitted NOC obtained from his sisters to the 2nd respondent but he is unable to obtain NOC from his brother. Therefore, the petitioner has given a representation to the 2nd respondent dated 13.10.2014 seeking domestic electricity service connection. Since the 2nd respondent has not provided domestic electricity connection to the petitioner, he is before this court by way of this writ petition.

3. Heard Mr.Venkatasamy Babu, learned counsel appearing for the petitioner, Mr.P.Gunaraj, learned counsel appearing for the Tamil Nadu Electricity Board and Mr.S.Prabhu, learned counsel appearing for the Slum Clearance Board.

4. It is admitted that the petitioner's father was allotted the property by the third respondent herein, Slum Clearance Board and the petitioner's family have been living in the said property. After the death of the petitioner's father, the petitioner alongwith others has become one of the co-owners of the property. Since the petitioner's brother is occupying a portion of the property and enjoying the existing electricity connection, it has become necessary for the petitioner to apply for a separate domestic electricity connection in his favour. When the petitioner's father was already allotted the property by the Slum Clearance Board and the petitioner has become one of the co-owners of the property, he is entitled to get electricity connection as long as he is the co-owner of the property and remains in legal possession, as the yardsticks have been complied with by the petitioner.

5. In view of the above, the second respondent is directed to provide domestic electricity service connection to the petitioner's residence at Plot No.225 (Old No.117), Door No.15, Namachivayapuram West, Choolaimedu, Chennai - 600 094, on or before 27.08.2015, without insisting upon NOC from him.

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

7. Post the matter for compliance on 28.08.2015.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1.The Chairman,
Tamilnadu Generation and Distribution
Corporation Ltd.,
Rep. By its Chairman,
NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.

2.The Assistant Engineer,
Operation and Maintenance,
Choolaimedu Unit,
TANGEDCO (South)
Chennai - 600 094.

3.The Chairman,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

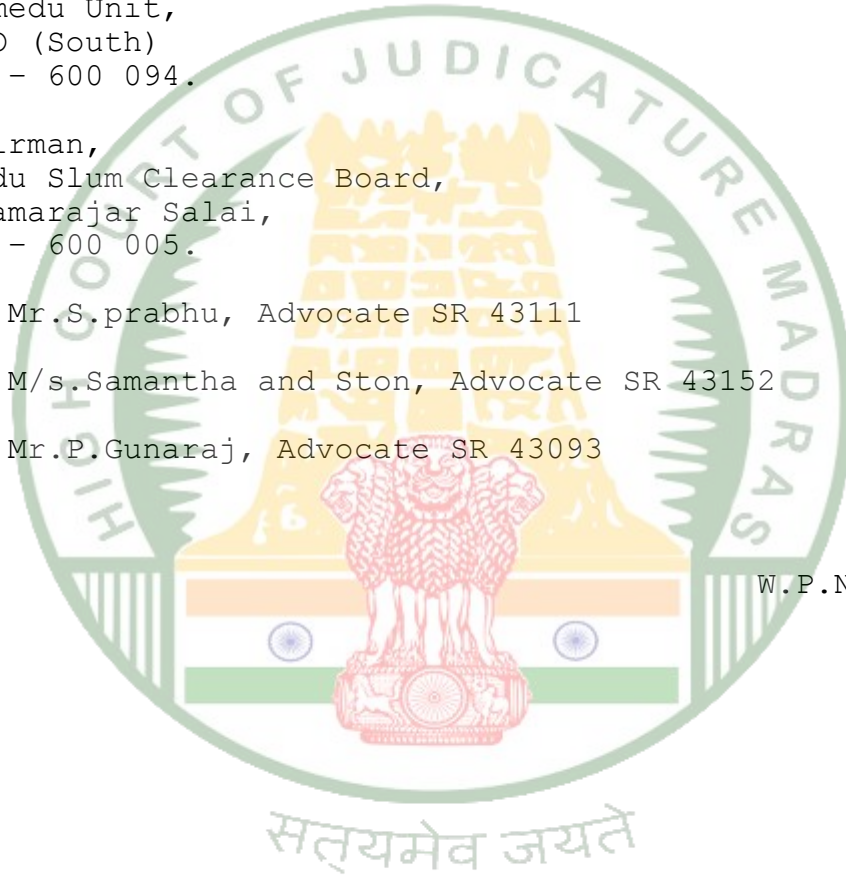
+ 1 cc to Mr.S.prabhu, Advocate SR 43111

+ 1 cc to M/s.Samantha and Ston, Advocate SR 43152

+ 1 cc to Mr.P.Gunaraj, Advocate SR 43093

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