

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.26425 of 2015

K.Ranganathan

... Petitioner

vs.

The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board,
TANGEDCO, Pallavaram (West),
Chennai - 600 043.

... Respondent

Prayer:- Writ petition filed under Article 226 of the constitution of India praying for a writ of mandamus directing the respondent herein to provide new electricity connection to the petitioner's house situate at Door No.93/52, Chavadi Street, Pallavarm, Chennai - 600 043, within a stipulated period.

For Petitioner : Mr.N.Mariappan
For Respondents : Mr.P.Gunaraj

O R D E R

The petitioner contends that he is living at Door No.93/52, Chavadi Street, Pallavaram, Chennai - 600 043 and the said property belongs to his maternal grandmother Chinnammal. His maternal grandmother died on 31.03.1989 and the petitioner's mother also expired on 22.04.2013. The petitioner had constructed a dwelling house in the said property and he is in possession of the same. The petitioner made an application to the respondent on 06.07.2015 seeking domestic electricity connection to the said property. On 10.07.2015, the respondent replied seeking legal heir certificate of his grandmother Chinnammal and no objection certificate from other legal heirs. Therefore, the petitioner sent an explanation on 21.07.2015 to the respondent and since no electricity connection was given, the petitioner has approached this Court by way of this writ petition.

2. Heard Mr.N.Mariappan, learned counsel appearing for the petitioner and Mr.P.Gunaraj, learned Standing Counsel appearing for the respondent.

3. A perusal of the documents, especially the family card would disclose that the petitioner has been residing in the said property and the family card was issued to the respondent for the year 2005 - 2009. What is material is whether the petitioner is in lawful possession of the property ? The family card would show that the petitioner is in possession of the property and he is the grandson of Chinnammal. As far as the documents sought for by the respondent is concerned, those documents could be of use only with regard to possession for title of property.

4. Merely because of providing domestic electricity service connection by the respondent to the petitioner, will not confer any title upon him in the said property. As long as the petitioner is in lawful possession of the property, he is entitled to get domestic electricity service connection and therefore as per Section 27 (4) of the Tamil Nadu Electricity Distribution Code, after getting an indemnity bond and other requisite documents, the respondent is directed to provide domestic electricity service connection to the petitioner, within a period of one week from the date of receipt of a copy of this order.

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

Sd/-
Asst.Registrar(CSII)

/true copy/

Sub Asst. Registrar

To

The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board,
TANGEDCO, Pallavaram (West),
Chennai - 600 043.

+1 cc to Mr.P.Gunaraj Advocate sr.44993
+1 cc to Mr.N.Mariappan Advocate sr.45539

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