

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S. SIVAGNANAM

W.P.No.27947 of 2014

and

M.P.No.1 of 2015

Irudaya Mary ... Petitioner

vs.

The Asst. Engineer
(O & M/CEDC/North),
Tamilnadu Electricity Board,
Kalmandapam,
Royapuram,
Chennai-600 013. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue Writ of Mandamus directing the respondent to provide the petitioner, a new electricity service connection to her residential portion at Old No.11, New No.23, Bentleman Garden I street, Royapuram, Chennai-600 013 on the basis of her representation dated 11.08.2014.

For Petitioner : Mr.T.Mohankumar
For Respondent : Mr.P.R.Dilipkumar

ORDER

Heard T.Mohankumar, learned counsel appearing for the petitioner and Mr.P.R.Dilipkumar, learned counsel appearing for the respondent.

2. The petitioner seeks the following relief:-

"For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue an order or direction or Writ in the nature of Writ of Mandamus, directing the respondent to provide the petitioner, a new electricity service connection to her residential

portion at Old No.11, New No.23, Bentleman Grarden I street, Royapuram, Chennai-600 013 on the basis of her representation dated 11.08.2014 and thus render justice."

3. The petitioner claiming to be the daughter of M.Selvarayan, seeks for separate electricity service connection in her name in respect for the property in question. Admittedly, the service connection stood in the name of the petitioner's father M.Selvarayan, who died on 15.12.1992.

4. From the counter-affidavit filed by the respondent, it is clear that there is a dispute between the petitioner and her brothers and sisters with regard to the partition of the house property. The petitioner has not impleaded her brothers and sisters, who are said to be objecting to the petitioner's request for separate electricity connection in her name. The respondent has called upon the petitioner to produce the documents, enabling the Board to consider the application as per Clause 27(4) of the Tamil Nadu Electricity Regulatory Commission. However, the petitioner without complying with the same, has rushed to this Court seeking direction to the respondent to provide new electricity service connection to her residential portion.

5. In the light of the above, the relief sought for by the petitioner cannot be granted, as the petitioner has not impleaded the other legal heir of the deceased M.Selvarayan as party respondents in the writ petition. Hence, the prayer sought for by the petitioner is rejected and the writ petition is dismissed, however, this will not prevent the petitioner from approaching the respondent by producing available documents and if the same is produced, the respondent shall issue notice to the petitioner as well as the other legal heirs of M.Selvarayan and pass a reasoned order on merits and in accordance with law within a period of eight weeks from the date on which the documents are produced. No costs. Consequently, M.P.No.1 of 2015 is closed.

-s/d-

Assistant Registrar(Ad-I)

True Copy

Sub-Assistant Registrar

To

The Asst. Engineer, (O & M/CEDC/North),
TNEB, Kalmandapam, Royapuram, Chennai-600 013.

+ 1 cc to Mr.P.R.Dilipkumar, Advocate SR 20354

sku(co)
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W.P.No.27947 of 2014