

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 29092 of 2015

&

M.P. No. 1 of 2015

Mrs. Usha Nair

..Petitioner

Vs.

1. C.R. Lakshmi Narayanan,

2. The Assistant Engineer,
The Tamil Nadu Electricity Board,
Villivakkam, Chennai 600 049.

3. TANGEDCO rep. by its
Chairman & Managing
Director,
No.144, Anna Salai,
Chennai - 2.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to consider the representation of the petitioner dated 12.08.2015 and to direct the 2nd respondent to retransfer the Service Connection bearing LTS Connection LTSC No.063-059-80 standing in the name of Raghava Pillai (deceased) to the name of the petitioner as provided under the Tamil Nadu Electricity Supply Code 2004 within a time frame.

For Petitioner :: Mr.M. Aravind Subramaniam

For Respondents :: Mr.P.R. Dhilipkumar for R2 & R3

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the 2nd respondent to consider the representation of the petitioner dated 12.08.2015 and to direct the 2nd respondent to retransfer the Service Connection bearing LTSC No.063-059-80 standing in the name of Raghava Pillai (deceased) to the name of the petitioner as provided under the Tamil Nadu Electricity Supply Code 2004 within a time frame.

2. The petitioner is residing in the property bearing Old No.53 New No.24, Mettu Street Lane, Villivakkam, Chennai - 49 for the past 35 years and the above mentioned property is a Government Poramboke land classified as Gramanatham Poramboke land. According to the petitioner, she had inherited the property from her father and that she is in peaceful and uninterrupted possession of the property from 1980 onwards. The petitioner would further state that prior to her occupation of the property, the power connection stood in the name of one late Raghava Pillai and subsequent to the occupation of the property by the petitioner, she had taken steps to transfer the electricity connection in her name and she was allotted with Electricity Connection bearing No. LTSC No. 063-059-80 during the year 2008. While so, the 1st respondent, claiming to be the legal heir of late Raghava Pillai, lodged a complaint as against the petitioner stating that she had obtained power supply by adopting illegal means. Subsequently, the 1st respondent had also given a complaint during December, 2009 to the authorities concerned to take measures to cancel the electricity connection standing in the name of the petitioner. Based on the complaint given by the 1st respondent, the petitioner received a letter of cancellation of power connection which stood in her name during December, 2009. Thereafter, the 1st respondent had also obtained electricity connection in favour of Raghava Pillai, who had passed away as early as in the year 1991. bearing the same LTSC number. Besides, the 1st respondent had also filed a Suit for injunction against the petitioner in O.S. No. 8176 of 2008 before the V Assistant Judge, City Civil Court, Chennai, alleging that he is the absolute owner of the property. Though the petitioner made several requests to the 2nd respondent to take measures to retransfer electricity connection in her name, there was no response. Hence, the petitioner submitted a representation dated 12.08.2015 to the 2nd respondent to take appropriate measures to supply electricity and to transfer electricity connection in her name. Since no orders were passed, the petitioner has approached this Court.

3. Heard Mr.M. Aravind Subramaniam, learned counsel for the petitioner and Mr.P.R. Dhilip Kumar, learned counsel for respondents 2 and 3.

4. Though notice has not been ordered to the 1st respondent, there is no necessity to do so as this Court only intends to direct the 2nd respondent to consider and pass orders on the petitioner's representation dated 12.08.2015 after affording an opportunity of hearing to the 1st respondent as well as to the petitioner.

5. The contention of the petitioner is that she is in possession of the property in question; that she is enjoying the power supply till date and therefore, the electricity service connection is required to be transferred in her name. That being the position, the 2nd respondent is directed to conduct an enquiry, based

on the petitioner's representation dated 12.08.2015, after giving notice to the petitioner as well as to the 1st respondent, and pass appropriate orders, after hearing them, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the enquiry proposed to be conducted is only with regard to the name change in respect of the electricity service connection bearing LTSC No. 063-059-80. It is further made clear that since the petitioner is enjoying electricity supply, it should not be, at any cost, disturbed. The writ petition is disposed of on the above terms. No costs. Connected M.P. is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Assistant Engineer,
The Tamil Nadu Electricity Board,
Villivakkam, Chennai 600 049.
2. The Chairman & Managing
Director, TANGEDCO
No.144, Anna Salai,
Chennai - 2.

1 cc to Mr.M. Aravind Subramaniam , Advocate Sr.No.50334

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