

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

Writ Petition No.32912 of 2015

K.Sankari Ammal

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002.

2.The Assistant Engineer,
Tamil Nadu Electricity Board,
Rajbhavan/O & M/
Tamil Nadu Electricity Generation
and Distribution Corporation
33/11 KV Sub Station,
Chennai Electricity Distribution
Circle South, Guindy,
Chennai - 600 032.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to provide 3 phase electricity connection to the petitioner's house and thereby direct the second respondent to dispose of the petitioner's representation dated 12.09.2015 served on the second respondent on 16.09.2015.

For Petitioner : Mr.A.R.Nixon

For Respondents : Mr.P.Gunaraj

ORDER

The petitioner contends that she is the owner of the property bearing No.51/88, Maduvankarai, Pillaiyar Koil Street, Guindy - 600 032, and there are electricity service connection bearing Nos.212.011.268 and 212.011.484. Seeking to convert the said single phase connections into three phase connections, the

petitioner submitted a representation dated 12.09.2015 to the respondents. Since, no action has been taken on the same, the petitioner is before this Court with this writ petition.

2. Heard Mr.A.R.Nixon, learned counsel for the petitioner and Mr.P.Gunaraj, learned counsel for the respondents.

3. It is submitted by the learned counsel for the respondents that there are proceedings pending before this Court as well as before the Hon'ble Supreme Court, in respect of ownership of the said property. According to him, since, the Hon'ble Supreme Court has granted an order of status quo in respect of the said property, the representation of the petitioner dated 12.09.2015 could not be considered by the respondents. The same has been communicated by the respondents to the petitioner by way of reply dated 01.10.2015. Hence, according to the learned counsel, the petitioner is not entitled for the relief as sought for in this writ petition and accordingly, the writ petition is liable to be dismissed.

4. Though, it is stated by the learned counsel for the respondents that in respect of the property in question, the Hon'ble Supreme Court has granted status quo in respect of the alleged property and therefore, the relief sought for by the petitioner to change the single phase connections into three phase connections cannot be granted, a perusal of the order passed by the Hon'ble Supreme Court in Civil No.23686/2013 dated 08.07.2013 would reveal that the Hon'ble Supreme Court has only ordered to maintain status quo so far as the possession of the property in question is concerned. However, the relief sought for by the petitioner now is only with regard to the upgradation of the electricity service connections from single phase to three phase and not with regard to the possession of the property. Therefore, there cannot be any impediment for the respondents to convert the single phase connections into three phase connections.

5. In the result, the writ petition is disposed of with a direction to second respondent to convert the single phase service connections of the petitioner into three phase connections on or before 29.10.2015. Before converting the single phase service connections of the petitioner into three phase connections on or before 29.10.2015, the second respondent shall issue notice to the petitioner giving the details of the amount to be paid by the petitioner on or before 16.10.2015 and the petitioner has to pay the required amount on or before 27.10.2015. It is made clear that if any of the above conditions has not been complied with by the respondents, the Chairman of the Tamil Nadu Electricity Board, Chennai shall appear before this Court on 30.10.2015. No costs.

Call the matter on 30.10.2015 for compliance.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

jbm

To

- 1.The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002.
- 2.The Assistant Engineer,
Tamil Nadu Electricity Board,
Rajbhavan/O & M/
Tamil Nadu Electricity Generation
and Distribution Corporation
33/11 KV Sub Station,
Chennai Electricity Distribution
Circle South, Guindy,
Chennai - 600 032.

+1cc to Mr.A.R.Nixon, Advocate, S.R.No.50410

W.P.No.32912 of 2015

ARII
CA(16/10/2015)

सत्यमेव जयते

WEB COPY