

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26/11/2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.37652 of 2015

V. Veeralakshmi

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Petitioner

Vs

1. The Chief Engineer
Tamil Nadu Electricity Board
Distribution/Chennai South
NPKRR Maaligai
5 A Block
Electricity Avenue
144 Anna Salai
Chennai 600 002.

2. The Assistant Engineer
Tamil Nadu Electricity Board
Neelankarai
Chennai 600 115.

3. C. Kalaiselvi

4. The Chairman
Tamil Nadu Electricity Board
Distribution/Chennai South
NPKRR Maaligai
5 A Block Electricity Avenue
144 Anna Salai
Chennai 600 002.

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the 1st, 2nd and 4th respondents to terminate the electricity connection given wrongly to the third respondent to the petitioner's land situated at No.135 New No.48 Okkiyam, Thuraipakkam Village, Tambaram Taluk, Kanchipuram District Survey No.408-1A comprising of 1200 sq.feet by considering petitioner's representation to the second respondent dated 20/8/2015 and representation to the first respondent dated 7/9/2015.

For petitioner ... Mr.Murugesh Kasivel
For respondents ... Mr.P.Gunaraj
for R.R.1, 2 and 4.

O R D E R

With the consent of the learned counsel appearing for the parties, the main writ petition is taken up for final disposal.

2. Heard Mr.Murugesh Kasivel, learned counsel for the petitioner and Mr.P.Gunaraj, learned counsel for the respondents 1, 2 and 4.

3. This writ petition has been filed praying to direct the respondents 1, 2 and 4, to terminate the electricity connection given wrongly to the third respondent for the property situated at No.135 New No.48 Okkiyam, Thuraipakkam Village, Tambaram Taluk, Kanchipuram District Survey No.408-1A comprising of 1200 sq.feet by considering petitioner's representation to the second respondent dated 20/8/2015 and representation to the first respondent dated 7/9/2015.

4. The petitioner asserts that she is the absolute owner of the property and there is a superstructure and the superstructure has been assessed to property tax and one of the tax receipt dated 11/3/2009 has been filed in the typed set of papers.

5. The petitioner would allege that the third respondent is making an attempt to take over the property of the petitioner situated at No.135 New No.48 Okkiyam, Thuraipakkam Village, Tambaram Taluk, Kanchipuram District Survey No.408-1A comprising of 1200 sq.feet, since she has secured electricity connection illegally.

6. In this regard, the petitioner has sent representations to the second respondent as well to the first respondent on 20/8/2015 and 7/9/2015 respectively and since no action has been taken, the petitioner is before this Court.

7. Though the petitioner claims that the superstructure has been assessed to property tax in the name of her husband, viz., late R.Vijayakumar, the petitioner has not produced any patta, to show that she is in possession of the property.

8. In the light of the above, no positive direction sought for by the petitioner can be granted. Considering the objection raised by the petitioner and the same is pending consideration

before the second respondent, it is just and proper to direct the second respondent to consider the representation of the petitioner dated 7/9/2015.

9. Accordingly, the second respondent is directed to consider the representation of the petitioner dated 7/9/2015, after issuing notice to the petitioner and third respondent and pass appropriate orders on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order.

10. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs.

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ppa co, kra 18.12.2015

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