

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2015

CORAM

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.39277 of 2015

Malathi Narayanan

[PETITIONER]

Vs

- 1 State of Tamilnadu
rep. by its Chairman
TANGEDCO
N.P.K.R.R. Maaligai Electricity Avenue
144 Anna Salai, Chennai-600 002.
- 2 The Secretary, TANGEDCO
N.P.K.R.R.Maaligai Electricity Avenue
144, Anna Salai, Chennai-600 002.
- 3 The Assistant Engineer
Tamilnadu Electricity Board Luz (Central)
Chennai-600 004.

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus, to direct the 3rd respondent to shift the EB Metre Boxes supplied by the 3rd respondent to an safer places in the apartment complex namely Karphagam Apartments at No.10 Canal Bank Road, Luz, Mylapore Chennai-4 as per petitioners application dated 07.07.2015 and reply dated 28.09.2015.

For Petitioner .. Mr.P.Sidharthan

For Respondents ... Mr.P.R.Dhilip Kumar

O R D E R

With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.P.Sidharthan, learned Counsel appearing for the petitioner & Mr.P.R.Dhilip Kumar, learned counsel who accepted notice on behalf of the respondents.

3. The petitioner who is the senior citizen and resident of a Flat in Karpagam Apartments, Canal Bank Road, Luz, Mylapore, Chennai, has come forward with this writ petition for a direction to the third respondent to shift the E.B.Meter Boxes to a safer place in the apartment complex.

4. It is submitted by the learned counsel for the petitioner that there are several disputes between the petitioner and the residents Association, which is in charge of the maintenance of the eight flats in the apartment complex. However, it is stated that the said disputes has got nothing to do with the request made by the petitioner for shifting the E.B.Meter Boxes to a safer place, since for more than three occasions, there was electrical short circuits and the petitioner was the victimisation of electrical shock and she was hospitalised. In that regard, the petitioner has produced the medical certificate issued by the Hospital dated 27.05.2015.

5. The third respondent in response to the petitioner's representation, has sent a reply to the petitioner on 4.8.2015, wherein, third respondent has requested the petitioner to locate the safer place for shifting the Meter Boxes and also obtain consent letters from the other owners of the apartment. However, this was not done by the petitioner, but she submitted another representation on 28.09.2015 and since no orders have been passed, the petitioner is before this Court.

6. The learned counsel appearing for the respondents submitted that since there are eight apartments, consent of all the owners is required to examine the possibility of shifting the Meter Boxes, since in the event of shifting being done, there will be disconnection of electricity supply and the residents of the Apartment complex should agree for that.

7. The learned counsel for the petitioner on instructions submitted that out of eight apartments, only one of the owner who happens to be the President of the Residents Association is objecting to the petitioner's request.

8. If that be the case, the six other apartment owners obviously do not appear to have any grievance on the petitioner's request. In such circumstances, it is for the petitioner to obtain no objection certificate'' from those owners of the 6 apartments and then approach the third respondent. If the petitioner's grievance is genuine, then this Court is of the view that the other residents of the apartment complex should have no objection, because of shifting the EB Meter Boxes to a safer place is for the interest of the residents of the apartment complex.

9. In the light of the above, liberty is given to the petitioner to submit a fresh representation along with no objection certificates from the other six residents of the apartment complex and if such representation is given, then the third respondent shall issue notice to the residents Association, hear the Office Bearers and thereafter take a decision on merits and in accordance with law, within a period of three weeks from the date on which the petitioner submits a representation along with no objection certificates.

The Writ Petition is dismissed with the above observation. No costs.

rpa

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub-Assistant Registrar

To

1. The Chairman
TANGEDCO
N.P.K.R.R. Maaligai Electricity Avenue
144 Anna Salai, Chennai-600 002.
2. The Secretary, TANGEDCO
N.P.K.R.R. Maaligai Electricity Avenue
144 Anna Salai, Chennai-600 002.
3. The Assistant Engineer
Tamilnadu Electricity Board Luz (Central)
Chennai-600 004.

+1 C.C. To MR.P.R.Dhilipkumar, Advocate in SR.NO.67530

+1 C.C. To MR.P.Sidharthan, Advocate in SR.NO.67131

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AK(CO)
sd : 31/12/2015

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