

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2015

CORAM

THE HON'BLE MR. JUSTICE N. KIRUBAKARAN

W.P.No.8261 of 2015

and

M.P.No.1 of 2015

1.N.Prabhakar

2.Mrs.Narmada

...Petitioners

/vs/

TANGEDCO

Rep.by its Executive Engineer,

O&M/Anna Nagar,

Chennai Electricity Distribution Circle(West),

11th Main Road,

Anna Nagar, Chennai 600 040.

...Respondents

Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondent to consider and pass orders on petitioners' application dated 03.03.2015 for installation of a Sub-Meter with respect of the first floor, occupied by the petitioners in AL-104, First Floor, 11th Main Road, Anna Nagar, Chennai 40, expeditiously in accordance with law.

For Petitioners :Mr.D.S.Rajasekaran

For Respondents :Mr.P.R.Dhilipkumar for
Standing counsel for TNEB

ORDER

The petitioners are husband and wife and they are residing in the first floor of AL-104, 11th Main Road, Anna Nagar, Chennai. The above said property belongs to the first petitioner and his brother, who are living in the ground floor. Since there is only one electricity connection viz., S.C.No.161-012-156, the bills are raised in the name of the first petitioner alone and he alone is paying the consumption charges in respect of the ground floor, which is enjoyed by the first petitioner's brother, who is residing in the ground floor. In spite of the request of the first petitioner, his brother did not make any contribution towards payment of electricity charges. Therefore, the first petitioner gave a representation to the respondent on 03.03.2015 for installation of Sub Meter in respect of the first floor, so that the petitioners can pay the charges in the electricity consumed by the petitioners' alone. Since the said representation has not been considered by the

respondent, the petitioner has come forward before this Court by way of filing this writ petition.

2. Heard Mr.D.S.Rajasekaran, learned counsel appearing for the petitioners and Mr.P.R.Dhilipkumar, learned standing counsel appearing for the respondent.

3. Admittedly, the property belongs to the first petitioner and his brother. The petitioners are living in the first floor and the electricity connection stands in the name of the first petitioner alone. Since there is no other electricity connection, the electricity is consumed by his brother only through the connection standing in the name of the first petitioner and his brother is not contributing anything. Only in this regard, the first petitioner gave the representation on 3.3.2015 to the respondent seeking installation of sub meter.

4. However, the learned Standing Counsel appearing for the respondent submitted that since the electricity connection stands in the name of the first petitioner alone, sub meter cannot be installed in his name.

5. In view of that, the petitioner has to necessarily surrender the existing service connection, which stands in the name of the first petitioner and he has to apply for a new connection in respect of the first floor alone and in that event, unnecessary payment of charges payable in respect of electricity consumption made by his brother who is residing in the ground floor, could be avoided.

6. In such circumstances, this Court directs the petitioners to surrender the existing electricity connection standing in the name of the first petitioner and also apply for a new connection in the name of any one of the petitioners for the first floor to the respondent within a period of two weeks from the date of receipt of a copy of this order. On such representation is being made by the petitioners, the respondent is directed to pass orders with regard to surrender of existing electricity service connection and also give a fresh connection forthwith, after giving notice to all the persons concerned. It is made clear that if any disconnection is to be done, the same can be made only after giving new connection to the petitioners as the first petitioner is suffering due to paralyze. Accordingly, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

The Executive Engineer,
TANGEDCO/O&M,
Anna Nagar,
Chennai Electricity Distribution Circle(West),
11th Main Road,
Anna Nagar, Chennai 600 040.

1 cc to Mr.D.S. Rajasekaran, Advocate, Sr. 51331
1 cc to Mr.P.R. Dhilipkumar, Advocate, Sr. 51315

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