

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.26770 of 2012

J.Sampath Kumar

.. Petitioner

Vs.

1.The Chairman,
TNEB, Anna Salai,
Chennai - 2.

2.The Assistant Engineer,
C&DC/SOUTH,
Velacherry, Chennai - 42.

3.The Assistant Executive Engineer,
C&DC/South,
Velacherry, Chennai - 42.

4.Dr.Pannerselvam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in KUAEN/UDPO/MO/KO.7/Ka.N.159/12 dt.11.9.2012 and quash the same and order supply of new 3 phase electricity meter in the name of the petitioner in the premises bearing Door No.77, Indra Street, Sankaran Avenue, Velacherry, Chennai 600 042, without insisting on the production of "No objection Letter" from the 4th respondent herein.

For Petitioner :Mr.B.Divakaran

For Respondent Nos.1to3:Mr.P.Gunaraj

Standing Counsel for TNEB

For fourth respondent :Dr.Pannerselvam,
Party-in-person

ORDER

The property bearing Door No.77, Indra Street, Sankaran Avenue, Velachery, Chennai - 600 042 belongs to the petitioner's mother Mrs.K.Yesodammal, who died intestate in 1986 and thereafter, his father A.R.Jagadeesan died intestate in 2006. Though there are 8

legal heirs, the petitioner and the fourth respondent are said to be in possession of the property. The petitioner is occupying the ground floor and the fourth respondent is occupying the first floor. There is only one electricity service connection which stands in the name of their mother. The said Electricity Service Connection Number is 210- 002-50. Since there are many disputes between the petitioner and the fourth respondent, there is a dispute in sharing the electricity consumption also. Therefore, the petitioner had applied for a new electricity service connection to the third respondent. However, the said application was rejected stating that the fourth respondent is objecting to it. The said order is being challenged before this Court.

2. Heard Mr.B.Divakaran, learned counsel appearing for the petitioner, Mr.P.Gunaraj, learned counsel appearing for appearing respondents 1 to 3 and Dr.Panneerselvam who appeared in person before this court.

3. Dr.Panneer Selvam, who appeared in person would submit that there are many disputes between the petitioner and him regarding the property. Therefore, he would submit that if the petitioner wants separate electricity service connection, he has got no objection provided the fourth respondent is also given a separate electricity connection.

4. In view of that, the petitioner as well as the fourth respondent is directed to write separate letters, independently, to the third respondent offering to surrender the existing electricity service connection No.210- 002-50 on or before 30.09.2015. They are also advised to give separate Applications seeking for fresh electricity service connection in their name separately. On receiving such letters from the petitioner as well as the fourth respondent, the third respondent shall provide new electricity service connection to the petitioner as well as to the fourth respondent separately. It is made clear that the new electricity service connection should be given on the same day and at the same time when the disconnection of the existing electricity service connection takes place.

5. With the above observation, the Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Chairman,
TNEB, Anna Salai,
Chennai - 2.

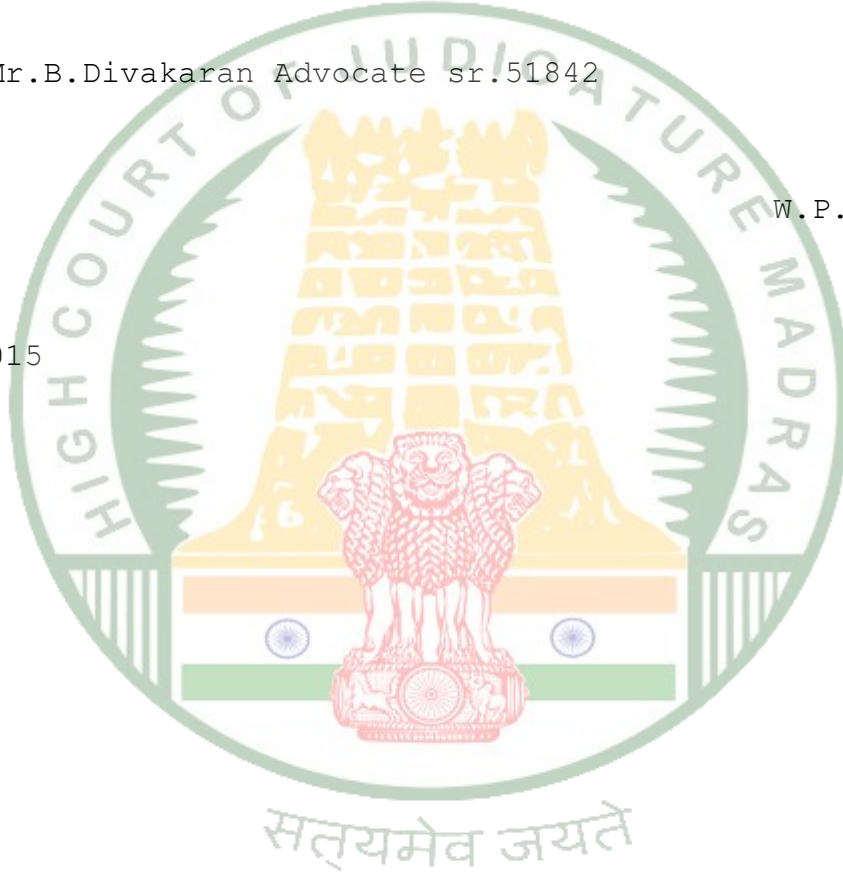
2.The Assistant Engineer,
C&DC/SOUTH,
Velacherry, Chennai - 42.

3.The Assistant Executive Engineer,
C&DC/South,
Velacherry, Chennai - 42.

+1 cc to Mr.B.Divakaran Advocate sr.51842

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