

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.Nos.10007 & 10008 of 2016

G.Jayalakshmi .. Petitioner in W.P.No.10007 of 2016/
6th Respondent in W.P.No.10008 of 2016

K.V.Subramaniam ..Petitioner in W.P.No.10008 of 2016/
6th Respondent in W.P.No.10007 of 2016

Vs.

- 1 The Executive Engineer
Tamilnadu Electricity Board Operation and
Maintenance, Perambur, Chennai-600 011.
- 2 The Assistant Executive Engineer
Tamilnadu Electricity Board
Operation and Maintenance
Perambur Chennai- 600 011.
- 3 The Assistant Engineer
Tamilnadu Electricity Board
Operation and Maintenance
Perambur Chennai- 600 011.
- 4 K.V.Purushothaman
- 5 K.V.Krishnamurthy
S/o.Late K..Varadarajulu Naidu No.60/75
Paddy field Road Perambur Chennai-600 011.

.. Respondents 1 to 5 in both W.Ps.

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, to direct the respondents especially directing the second and third respondents to provide a separate and new electricity service connection in Door No. 60/75 Paddy field Road, Perambur, Chennai-600 011.

For Petitioners ... Mr.S.Kingston Jerold
(in both W.Ps)

For Respondents ... Mr.P.R.Dhilipkumar - R1-R3
(in both W.Ps) Standing Counsel

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C O M M O N O R D E R

Heard Mr.S.Kingston Jerold, learned counsel for the petitioners and Mr.P.R.Dhilipkumar, learned Standing Counsel accepting notice for the respondents 1 to 3 and with the consent of the learned counsel appearing for the petitioner and respondents 1 to 3, the writ petitions are taken up for final disposal. In the light of the order this Court proposes to pass, notice to the respondents 4 & 5 is waived, as this Court does not propose to examine the merits of the allegations made by the petitioner.

2.The petitioners in these Writ Petitions, are the daughter and son of late K.Varadarajulu Naidu. The petitioners have applied for granting separate electricity connection by their Applications submitted during December, 2015.

3.It is stated that the petitioners are residing in the said property along with their brothers who are impleaded as respondents 4 to 6 in these writ petitions. The learned Standing Counsel appearing for the respondent Board on instructions submitted that three electricity connections have been granted in the name of the fourth respondent K.V.Purushothaman and he has made a request for disconnection on the ground that he wants to demolish and re-construct the property.

4.It is stated that a Partition Suit is pending in O.S.No.7103 of 2014 on the file of the City Civil Court, Chennai, filed by K.V.Subramaniam, petitioner in W.P.No.10008 of 2016. In the said Suit, the respondents 4 & 5 are the defendants 1 & 2 and the petitioner in W.P.No.10007 of 2016, is the third respondent. The second respondent on receiving the Application sent a communication to the petitioner in WP.No.10007 of 2016 on 25.2.2016, which is said to have been received by one Thiru Saravanan. From the said communication dated 25.2.2016, it is seen that the second respondent would consider the Application subject to the petitioner producing necessary documents.

5.The learned counsel for the petitioners on instructions submitted that the petitioners will comply with the directions and produce necessary documents.

6. In the light of the above, there will be a direction to the petitioners to produce necessary documents as called for by the second respondent and if the same are produced, the second respondent shall verify the same and make necessary enquiries and thereafter proceed in accordance with law, within a period of three weeks from the date on which the documents are produced by the petitioners, after issuing notice to the petitioners and the respondents 4 & 5. It is made clear that this Court has not gone into the merits of the allegations made by the petitioner and it is for the second respondent to consider the same after notice to parties and proceed in accordance with law.

The Writ Petitions are disposed of accordingly. No costs.

rpa

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

To

- 1 The Executive Engineer
Tamilnadu Electricity Board Operation and
Maintenance, Perambur, Chennai-600 011.
- 2 The Assistant Executive Engineer
Tamilnadu Electricity Board
Operation and Maintenance
Perambur Chennai- 600 011.
- 3 The Assistant Engineer
Tamilnadu Electricity Board
Operation and Maintenance
Perambur Chennai- 600 011.

+ 2 ccs to Mr.S.Kingston Jerold, Advocate Sr 16929, 16930

+ 1 cc to Mr.P.R.Dhilipkumar, Advocate Sr 17056

KR/28/3/16

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