

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 25.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.4330 of 2014

and M.P.No.1 of 2014

Shyamala Devi

.. Petitioner

Versus

1. The Executive Engineer,
Operations & Maintenance
Tamilnadu Electricity Board,
TB Road, Thenpathy,
Sirkali, Nagapattinam District.

2. The Assistant Executive Engineer,
Operation and Maintenance [North].
Tamilnadu Electricity Board,
Sirkali, Nagapattinam District.

3. The Junior Engineer,
Operation and Maintenance [Urban].
Tamilnadu Electricity Board,
Sirkali, Nagapattinam District - 609 111

4. Ramesh

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the records of the 3rd respondent in his proceedings Ka.No.E.Mi.Po./E.Pa./Nagar/Seer/Ko.Kattu/A.No.36/13 dated 23.08.2013 and quash the same and further direct the respondents 1 to 3 to provide electricity service connection to the petitioner as requested by her in her application dated 01.08.2013, in respect of her house at Door No.522/2, Karpagam Nagar, Thittai Road, Sirkali Nagapattinam District within a stipulated time.

For Petitioner : Mr.S.Sounthar

For Respondents : Mr.P.Gunaraj (for R1 to R3)
Standing Counsel for TNEB

No representation (for R4)

O R D E R

The petitioner has filed this writ petition to quash the proceedings of the 3rd respondent and also for a direction to respondents 1 to 3 to provide electricity service connection, to her house at Door No.522/2, Karpagam Nagar, Thittai Road, Sirkali Nagapattinam District.

2. Admittedly, the petitioner does not possess any record to prove the title except certain records such as Family Card, Nativity Certificate, etc. This cannot be a proof to show that the petitioner is the owner of the property, especially in the light of the dispute raised by the 4th respondent stating that the property has been used as a playground. However, it appears that there is no record produced before the respondent-Electricity Board by the objector, to show that it is an area reserved as playground. However, it is seen that in the impugned proceedings, the request made by the petitioner has not been rejected. But, she is directed to produce the records to show that she is in lawful possession of the property and she has got right over the property.

3. Therefore, on the grounds raised by the petitioner, the impugned order cannot be quashed and the petitioner is directed to appear before the 3rd respondent and produce all the records in her possession and the 3rd respondent shall also simultaneously call upon the 4th respondent to produce the records to show that it is a playground. Thereafter, after hearing both parties, the 3rd respondent shall pass a reasoned order, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Executive Engineer,
Operations & Maintenance
Tamilnadu Electricity Board,
TB Road, Thenpathy,
Sirkali, Nagapattinam District.

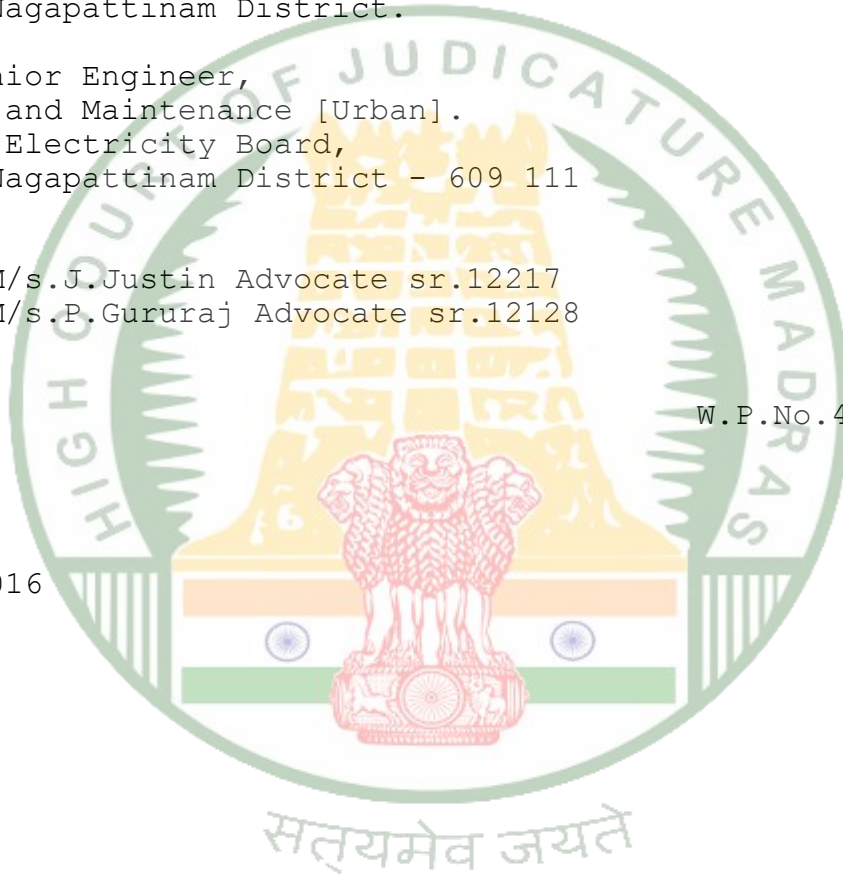
2. The Assistant Executive Engineer,
Operation and Maintenance [North].
Tamilnadu Electricity Board,
Sirkali, Nagapattinam District.

3. The Junior Engineer,
Operation and Maintenance [Urban].
Tamilnadu Electricity Board,
Sirkali, Nagapattinam District - 609 111

+1 cc to M/s.J.Justin Advocate sr.12217
+1 cc to M/s.P.Gururaj Advocate sr.12128

W.P.No.4330 of 2014

sns (co)
aa16/03/2016



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