

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
WP.No.12241 of 2014
& MP.No.1 of 2015

Renu Ammal

.. Petitioner

Versus

1.The Executive Engineer,
O & M / West,
Tiruvannamalai Electricity
Distribution Circle,
TANGEDCO,
Tiruvannamalai District.

2.Tambidurai

3.Karunanidhi

4.Sarala

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Cirtiorarified Mandamus calling for the impugned letter of the first respondent in his office Letter No.. செ.பொ/இ&ப/மேற்கு/திமலை/தொ.நு.உ.1/கோ.கட்டு/எண் .167/2013-14, dated 02.12.2013, quash the same and direct the first respondent to give electricity service connection to the petitioner's house portion bearing Old Door No.2/21, New Door No.157/A, Adi-Annamalai Village, Tiruvannamalai Taluk and District after obtaining necessary indemnity bond from the petitioner under clause 27(4) of the Tamilnadu Electricity Distribution Code, if necessary within the stipulated time.

For Petitioner : Mr.P.Mani

For R1 : Mr.M.Varunkumar

For RR2 to 4 : Mr.P.T.Asha for M/s.Sarvabhaman & Associates

ORDER

Heard Mr.P.Mani, learned counsel appearing for the petitioner and Mr.M.Varunkumar, learned counsel appearing for the first respondent and Ms.P.T.Asha, learned counsel who accepts notice on behalf of the respondents 2 to 4 and with their consent, the writ petition is taken up for final disposal.

2. The writ petition has been filed for the issuance of a writ of Cirtiorarified Mandamus calling for the impugned letter of the first respondent in his office Letter No.செ.பொ/,இ & ப/மேற்கு /திமலை/தொ.நு.உ.1/கோ.கட்டு/எண் .167/2013-14, dated 02.12.2013, quash the same and direct the first respondent to give electricity service connection to the petitioner's house portion bearing Old Door No.2/21, New Door No.157/A, Adi-Annamalai Village, Tiruvannamalai Taluk and District after obtaining necessary indemnity bond from the petitioner under clause 27(4) of the Tamilnadu Electricity Distribution Code, if necessary within the stipulated time.

3. It is an unfortunate case where a mother was dragged into litigation for the purpose of obtaining electricity service connection for the portion of the property where she is residing. More unfortunate aspect is that her children, respondents 2 to 4, are objecting the same, who are in the same premises in which of the electricity supply is sought for. Added to all these impediments, the first respondent/TANGEDCO took shelter on the pending partition suit in O.S.No.361 of 2010, and rejected her request for electricity service connection for her portion.

4. However, it appears that there is no prohibitory order restraining the Board for granting electricity supply to the petitioner/mother during the pendency of the partition suit.

5. Hence, the writ petition is allowed. The impugned order is set aside. No costs. Consequently, connected miscellaneous petition is closed.

6. The first respondent is directed to give separate electricity service connection for the portion in possession of the petitioner, after obtaining indemnity bond from her. It is made clear that grant of electricity supply will not in any manner advance the case of the petitioner in the pending suit in O.S.No.361 of 2010, on the file of the District Munsif Court, Tiruvannamalai. The above direction shall be complied with within a period of three weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VI)

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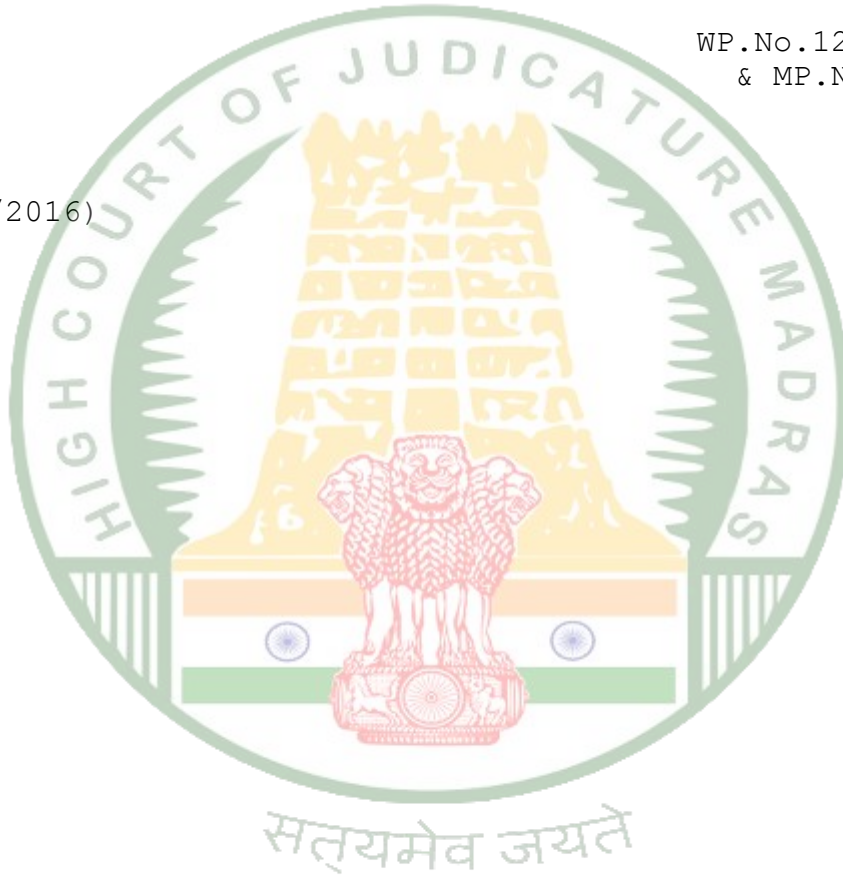
Sub Assistant Registrar

To
The Executive Engineer,
O & M / West,
Tiruvannamalai Electricity
Distribution Circle,
TANGEDCO,
Tiruvannamalai District.

+1cc to Mr.M.Varunkumar, Advocate, S.R.No.5679
+1cc to Mr.Sarvabhavan, Advocate, S.R.No.5258
+1cc to P.Mani, Advocate, S.R.No.4855

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rsi(CO)
srg(12/02/2016)



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