

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.04.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.14712 of 2016 and
W.M.P.No.12859 of 2016

1. N.Gandhimathi
2. N.Arul Mozhi ...Petitioners

Vs.

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai - 600 002.
2. The Assistant Engineer,
TANGEDCO (O & M)
K.K.Nagar/South, CEDC,
South, K.K.Nagar, Chennai - 600 078.
3. N.Shanmugasundaram.Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 and 2 to provide electricity connection separately to the petitioners' portion, viz., portion of first floor, occupied by the first petitioner and portion of second floor, occupied by the second petitioner bearing Door No.57, 69th Street, R.V.Nagar, Chennai - 600 083, pursuant to their applications for fresh connection, dated 11.03.2016.

For Petitioners : Mr.S.Udayakumar

For Respondents 1 and 2 : Mr.S.K.Raameshwar
Standing Counsel

O R D E R

Heard Mr.S.Udayakumar, learned counsel appearing for petitioners, Mr.S.K.Raameshwar, learned Standing Counsel for respondents 1 and 2. With the consent of parties, the main Writ Petition is taken up for final disposal at the stage of admission.

2. The petitioners are sisters of the third respondent, and they are all children of late A.Nainar. The petitioners seek for a direction to the second respondent to consider their applications, made individually, for the grant of separate electricity service connection for the portions, occupied by them in the building, bearing Door No.57, 69th Street, R.V.Nagar, Chennai - 600 083.

3. The petitioners claim right over the property, pursuant to a settlement deed executed in their favour by their father, A.Nainar. Since the third respondent, who is none other than their brother, has raised objection by claiming that the property has been settled in his favour, by his father subsequently, the first petitioner has filed a suit in O.S.No.8861 of 2010, on the file of IV Assistant Judge, City Civil Court, Chennai, wherein, the second petitioner is the second defendant, third respondent is the first defendant. Apart from that, there are three other defendants, who are sisters of the third respondent. The first petitioner/plaintiff has filed the said suit seeking for i) the relief of declaration, to declare the settlement deed, dated 17.03.2010, registered as Document No.504 of 2010, executed by A.Nainar in favour of the third respondent as null and void and was not binding on the first petitioner/plaintiff, and ii) decree for permanent injunction, restraining the third respondent/first defendant, from in any manner alienating/altering/demolishing/encumbering the suit property. The third respondent/first defendant has filed a written statement and the suit is now pending before the Civil Court. In the meantime, the petitioners have submitted separate application for grant of electricity service connection on 11.03.2016, and since their applications have not been considered, the petitioners are before this Court.

4. Since the Writ Petition is disposed of at the stage of admission, without notice to third respondent, no adverse order can be passed against him. As the petitioners claim is that they are in possession of the property, and the first petitioner has filed the suit, it would be appropriate for the second respondent to conduct an enquiry on the petitioners' applications, after issuing notice to the petitioners as well as third respondent and other defendants, in the aforementioned suit, viz., Smt.M.Komalavathy wife of Manoharan, Smt.M.Kasthuri wife of Muthukumar and Smt.M.Gajalakshmi, wife of Maripandi. The above direction be complied by the second respondent within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sd

To

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai - 600 002.
2. The Assistant Engineer,
TANGEDCO (O & M)
K.K.Nagar/South, CEDC,
South, K.K.Nagar, Chennai - 600 078.

+1 cc to Mr.S.K.Raameshwar, Advocate, sr.25978

+1 cc to Mr.S.Udayakumar, Advocate, sr.25961

Writ Petition No.14712 of 2016

tej co
kra 29.04.2016

सत्यमेव जयते

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