

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.NO.16487 OF 2016
AND WMP NO.14251 OF 2016

N.Srinivasan

.. Petitioner

Vs.

1.The Executive Engineer
TANGEDCO
Anna Nagar / O&M
Chennai Electricity Distribution Circle (West)
11th Main Road, Anna Nagar,
Chennai - 600 040.

2.The Assistant Engineer
TANGEDCO (O&M)
Anna Nagar / Central
AI-165, 9th Main Road,
Anna Nagar, Chennai - 600 040.

3.N.Prabakar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 herein to consider the petitioner's representation dated 04.04.2016 in seeking a Domestic Service Connection on the ground floor of the property bearing No.AL 104, 11th Main Road, Anna Nagar, Chennai - 600 040.

For Petitioner :Mr.G.Jeremiah

For Respondents 1&2:Mr.P.R.Dhilip Kumar
Standing Counsel for TANGEDCO / TNEB

O R D E R

Heard Mr.G.Jeremiah, learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned Standing Counsel, accepting notice on behalf of the respondents 1 and 2. In the

light of the order this Court proposes to pass, notice to the third respondent is dispensed with.

2.The petitioner seeks for a direction upon the respondents 1 and 2 to consider his representation dated 04.04.2016 for grant of domestic service connection for the ground floor of the property bearing No.AL 104, 11th Main Road, Anna Nagar, Chennai - 40.

3.Admittedly, the property belonged to the petitioner's father Mr.M.Nagaraj, who is no more. The property is yet to be partitioned and the suit is pending between the petitioner and the third respondent, who is the brother of the petitioner. Earlier, the third respondent had approached this Court, by filing W.P.No.8261 of 2015, praying for a writ of mandamus, to direct the TANGEDCO to consider his application dated 03.03.2015, for installation of a Sub-Meter, with respect to the First Floor of the property, occupied by him. The said writ petition was disposed of, by order dated 21.09.2015, by directing the third respondent herein, to surrender the existing electricity connection standing in his name and apply for new connection, either in his name or in his spouse name and on receipt of such application, the respondent therein was directed to give fresh connection.

4.The learned Standing Counsel for the respondent TANGEDCO submits that fresh electricity connection has been given to the third respondent.

5.However, the petitioner would state that he is without service connection and his 80 years old mother is with him and hence, he is unable to manage her mother during this summer.

6.The learned Standing Counsel further submits that the respondent TANGEDCO will consider the application of the petitioner and grant electricity service connection.

7.In the light of the same, there will be a direction to the respondents 1 and 2 to consider the petitioner's representation dated 04.04.2016 and effect electricity service connection in name of the petitioner, within a period of TEN DAYS from the date of receipt of a copy of this order. It is made clear that merely by granting separate service connection to the petitioner will no way have any effect on the petitioner's claim of his right over the property, which he should separately agitate in the pending suit.

8.The writ petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

TK

To

1.The Executive Engineer
TANGEDCO
Anna Nagar / O&M
Chennai Electricity Distribution Circle (West)
11th Main Road, Anna Nagar,
Chennai - 600 040.

2.The Assistant Engineer
TANGEDCO (O&M)
Anna Nagar / Central
AI-165, 9th Main Road,
Anna Nagar, Chennai - 600 040.

1 cc to Mr.G.Jeremiah, Advocate, sr.27654

1 cc to Mr.P.R.Dhilipkumar, Advocate, sr.27347

W.P.NO.16487 OF 2016

ks co
kra 12.05.2016

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