

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S. SIVAGNANAM

W.P.No.24004 of 2014

S. Kadumbadi .. Petitioner
Vs
1. The Chairman,
Tamilnadu Electricity Board,
Anna Salai, Chennai 600 002.
2. Superintending Engineer,
Tamilnadu Electricity Board,
Opposite to Chengalput Bus Stand,
Chengalput,
Kancheepuram District.
3. Divisional Engineer,
Tamilnadu Electricity Board,
Maraimalai Nagar Division,
Chengalput Taluk,
Kancheepuram District.
4. Assistant Executive Engineer,
Tamilnadu Electricity Board,
Maraimalai Naga Division,
Chengalput Taluk,
Kancheepuram District.
5. Assistant Electrical Engineer,
Tamilnadu Electricity Board,
Kattankulathur,
Chengalput Taluk,
Kancheepuram District 603 209.
6. V.Subashsundar
7. B. Durairaj
8. V.Adhikesavan .. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the entire records in pursuant to the impugned order bearing Ka.No.U.Me.Po/E.pa/Ka.Kola/Ko.kattu/A.No.46.2014 dated 25.08.2014 on the file of the 5th respondent and quash the same and consequently direct the respondents 1 to 5 to grant Electricity Supply single phase new service connection to the petitioner premises at Door No.18, Old No.8, Mettu Street, Ninnaiikkarai Village, Kattankulathur Post, Chengalput Taluk, Kancheepuram District without insisting upon "No Objection

Certificate" from the Tahsildar and Certificate from the Maraimalai Nagar Municipality.

For Petitioner : Mr.R. Prem Narayan
For Respondents : Mr. S.K.Rameshuwar
Standing Counsel (TNEB)
for R1 to R5
Mr.A.John Britto (R6, R7)
Mr.V.Raghavachari (R8)

ORDER

Heard Mr.R.Premnarayan learned counsel appearing for petitioner and Mr.S.K.Rameshuwar, learned Standing counsel appearing for respondent Electricity Board, Mr.A.John Britto, learned counsel appearing for 6th and 7th respondents and Mr.V.Raghavachari, learned counsel appearing for 8th respondent.

2. The petitioner has filed this Writ Petition seeking to quash the impugned order passed by the 5th respondent dated 25.08.2014 and further seeks for a consequential direction upon the respondents 1 to 5 to grant Electricity Supply single phase new service connection to the petitioner premises at Door No.18, Old No.8, Mettu Street, Ninnaikkarai Village, Kattankulathur Post, Chengalput Taluk, Kancheepuram District without insisting upon "No Objection Certificate" from the Tahsildar and Certificate from the Maraimalai Nagar Municipality.

3. The respondent Board has insisted upon an No Objection Certificate to be obtained by the petitioner from the private respondents 6 to 8, so as to enable them to process the application for grant of electricity service connection. The respondents 6 and 7 have filed a memo through their counsel and the contents of the said memo are extracted hereunder;

" The above named 6th and 7th respondents humbly submits that the 6th respondent V.Subashsundar and 7th respondent B.Durairaj are not having any objection for grant of electricity supply single phase new service connection to the petitioner's premises at Door No.18, Old No.8, Mettu Street, Ninnaikkarai Village, Kattankulathur Post, Chengalpet Taluk, Kanchipuram District. "

4. So far as the 8th respondent is concerned, he appears to be not a consenting party for the memo, but the learned counsel for the petitioner referred to a decision of this Court made in S.A.No.1515 of 2010, dated 20.11.2014 pointing out paragraph 6 of the judgment. It is submitted that the appellant therein

who is the 8th respondent in this Writ Petition, has given an undertaking before this Court in the said Second Appeal that in the event of the defendant [petitioner herein] intending to take electricity service connection to his property, the 8th respondent will not have any objection for drawing over head line over and above the open area commencing from point No.3 to point No.36 in the commissioner plan in the open space within the width of 11 feet and the said submission on behalf of the 8th respondent herein was placed on records. For better appreciation, the said paragraph is quoted here below;

"6. The learned counsel appearing for the plaintiff/appellant has given an undertaking before this Court that in the event of the defendant intending to take electricity service connection to his property, the plaintiff will not have any objection for drawing overhead line over and above the open area commencing from point No.3 to point No.36 in the commissioner plan in the open space within the width of 11 feet. The said statement of the learned counsel for the appellant is recorded."

5. In the light of the above facts, the 5th respondent viz., Assistant Electrical Engineer, Tamilnadu Electricity Board, Kattankulathur, Chengalput Taluk is directed to take into consideration these matters and if necessary, call upon the parties to appear in person and take a decision within a period of three weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

WEB COPY
Sub-Assistant Registrar

msr

To

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Chengalput Taluk,
Kancheepuram District 603 209.

+1 cc to Mr.S.K.Rameshuwar Advocate sr.19256
+1 cc to Mr.R.Prem Naryan Advocate sr.19257
+1 cc to Mr.A.John Britto Advocate sr.19657

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aa11/04/2016

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