

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P. No.17751 of 2016

&

W.M.P.No.15433 of 2016

T.Sakthi

..Petitioner

Vs.

1.The Chairman,
Tamilnadu Electricity Board,
Mount Road, Chennai.

2.The Assistant Engineer,
Tamilnadu Electricity Board
[Generation & Distribution],
Puzhithivakkam Section,
Chennai - 600 091.

3.A.Vijaya
4.Aaraamudhu
5.Kanniyammal
6.Devadoss
7.Kamatchi

..Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to provide service connection for the demised premises situated at Old Door No.2, New Door No.2A, Vembuliamman Koil Street [Vembuliamman Koil Cross Street], Chennai - 600 061 at petitioner's costs and expenses.

For Petitioner : Mr.J.Sudhakaran
For Respondent Nos.1 & 2 : Mr.S.K.Raameshuwar
Standing Counsel for TNEB
For Respondent Nos.3 to 5 : Mr.P.Subba Reddy

O R D E R

The petitioner contends that she is the owner of the property bearing Old Door No.2, New Door No.2A, Vembuliamman Koil Street, Chennai - 600 061, comprised in Grama Natham Survey No.28/1 part, new Survey No.28/7 to an extent of 2064 sq.ft,

having obtained the said property by way of settlement deed, dated 19.09.2014 executed by her husband. There are disputes with regard to the title of the property in various proceedings in District Munsif Court, Alandur, between the petitioner and her husband with respondents 3 to 7.

2. There are 7 service connections, out of which, 5 service connections are standing in the name of the petitioner's father-in-law, namely, Perumal and 2 other service connections are standing in the name of respondents 3 and 4. Since the petitioner is not having a separate service connection, she is seeking a direction to the second respondent to provide service connection to her.

3. Heard Mr.J.Sudhakaran, learned counsel appearing for the petitioner; Mr.S.K.Raameshuwar, learned Standing Counsel appearing for respondents 1 and 2; and Mr.P.Subba Reddy, learned counsel appearing for the respondents 3 to 5.

4. Originally, the property belongs to the petitioner's father-in-law, namely, Perumal and he has got four children including the petitioner's husband. Since the petitioner is claiming title of the entire property through the settlement deed executed by her husband, the litigation is pending before the lower Court. Though the fourth respondent has filed an affidavit, the other respondents, namely, 6 and 7, though served, have not chosen to appear before this Court. Therefore, this Court is not sure whether the petitioner's electricity connection would be disturbed or not. As long as the petitioner is in possession of the property, she is entitled to have service connection in her own name. she has also filed an affidavit to that effect that she is in possession of the property to an extent of 250 sq.ft. in the ground floor. Paragraph 2 of the affidavit is extracted below;

"2.I state that I am in possession / occupation of the house property situate at No.2A, Vembuliamman Koil Cross Street, Ullagaram, Chennai - 600 091, comprised in Old Survey No.28/7, New Survey No.28/10, in ground floor to an extent of 250sq.ft."

5. Since the petitioner is in possession of the portion to an extent of 250 sq.ft. she is entitled to enjoy the said portion of the property with all amenities. Therefore, the second respondent is directed to process the petitioner's application dated 07.01.2016 and give electricity connection within a period of two weeks from the date of receipt of a copy of this order.

6. The Writ Petition is allowed on the above terms. However, it is made clear that the order passed by this Court neither it

will not confer any extra title to the petitioner nor take away the rights of the private respondents. Consequently, connected Miscellaneous Petition is closed. No costs.

Call the matter for compliance on 29.07.2016.

sri

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Chairman,
Tamilnadu Electricity Board,
Mount Road, Chennai.
 - 2.The Assistant Engineer,
Tamilnadu Electricity Board
[Generation & Distribution],
Puzhithivakkam Section,
Chennai - 600 091.
 3. The Section Officer, Writ Section, High Court, Madras-104.
- + 1 cc to Mr.S.K.Raameshuwar, Advocate Sr 39052

KR/25/7/16

W.P.No.17751 of 2016

सत्यमेव जयते

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