

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.07.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P. No.23757 of 2016
& W.M.P.No.20347 of 2016

1.N.Gandhimathi
2.N.Arul Mozhi

.. Petitioners

Vs.

1.The Chairman,
TANGEDCO,
144, 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

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to impugned enquiry report dated 27.06.2016 and quash the same and consequently direct the respondents 1 and 2 to provide electricity connection to the petitioners portions i.e., 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.

For Petitioners : Mr.S.Udayakumar
For Respondent Nos.1 & 2: Mr.S.K.Raameshuwar
Standing Counsel for TNEB

O R D E R

These petitioners have approached this Court, challenging the order passed by the second respondent dated 27.06.2016, by which, the petitioners request for electricity connection for their residential portion was rejected stating that a Civil Suit with the third respondent, who is the brother of the petitioners is pending.

2. Mr.S.K.Raameshuwar, learned Standing Counsel for TNEB took notice on behalf of respondents 1 and 2. No notice is necessary to the third respondent, as this Court intends to deal only with regard to the electricity connection to the petitioners as they are in possession of the property as co-owners.

3. When this Court raised a query as to how the petitioners can be denied the electricity connection especially when they are co-owners of the property along with the third respondent, the learned Standing Counsel for TNEB would submit that because of the pendency of the case, the service connection could not be effected. As the case which is pending between the petitioners and the third respondent, is only with regard to partition, as long as the petitioners are in possession of the property, they are entitled to have service connection in their own name and enjoy the property with all amenities. Therefore, this Court directed the respondents 1 and 2 to give electricity connection and report today.

4. When the matter called today, the learned Standing Counsel for TNEB gave a communication written by the Assistant Engineer, TANGEDCO, dated 13.07.2016 stating that the service connection has been given to the petitioners. The operative portion of the communication reads as follows;

"I'm herewith inform that the s/c has been given to Tmt.N.Gandhimathi and M.Arulmozhi at No.57/16, 2nd Floor & 57/16 I st floor, 69th Street, R.V.Nagar, Chennai - 88. The service connection nos.237-020-1537 & 237-020-1538 on 12.07.2016 as per the direction of Honourable High Court, Chennai vide W.P.No.23757 / 2016."

5. From the above, it is clear that the service connection has been given to the petitioners and therefore, the impugned order is liable to be set aside and accordingly, the same is set aside.

6. Recording the communication of the second respondent, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sri

To

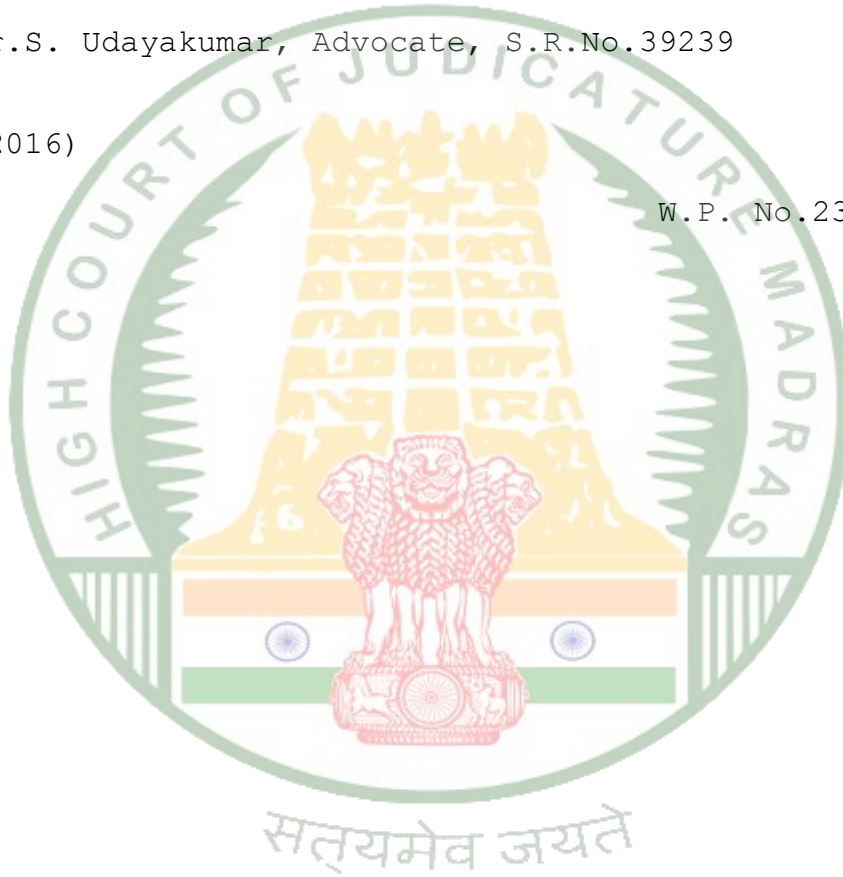
1.The Chairman,
TANGEDCO,
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Chennai - 600 002.

2.The Assistant Engineer,
TANGEDCO [O & M],
K.K.Nagar / South, CEDC / South,
K.K.Nagar, Chennai - 600 078.

+lcc to Mr.S. Udayakumar, Advocate, S.R.No.39239

GJII(CO)
EU(29/07/2016)

W.P. No.23757 of 2016



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