

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2016

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.2660 of 2016

&

WMP.No.2212 of 2016

Rajeswari

[PETITIONER]

Vs

1 The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Kilpauk, Chennai Centre,
37, Medavakkam Tank Road,
Chennai-600 010.

2. Madhusudhana Rao
Fashion India Textiles,
No.59, Purasawalkam High Road,
Chennai-600 007.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent's order in Ku.Aa.No.Vu.Po.E&Pa.Kilpauk Section/Ko.Thani/Ka.No.10/2016 dated 14.01.2016 and quash the same, and consequently direct the 1st respondent to provide electricity service connection to the petitioner's food shop namely 'Express Food', bearing Door No.59, Purasawalkam High Road, Chennai-600 007.

For Petitioner : Mr.S.Gunaseelan

For Respondents : Mr.P.R.Dhilipkumar for R1

O R D E R

Heard Mr.S.Gunaseelan, learned Counsel appearing for the petitioner and Mr.P.R.Dhilipkumar, learned Standing Counsel appearing for the first respondent and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner has filed this Writ Petition challenging the proceedings issued by the first respondent, dated 14.1.2016. The said proceedings came to be issued pursuant to the petitioner's application for grant of electricity connection for

his Bunk Shop. Earlier the petitioner had approached this Court and filed Crl.O.P.No.20927 of 2015 under Section 482 Cr.P.C., alleging that the Inspector of Police, G-3, Kilpauk Police Station, had unauthorisedly dispossessed the petitioner from the Bunk shop at the behest of the second respondent. The said petition was disposed of, by order, dated 27.10.2015 and the status report filed by the Inspector of Police stating that he has restored possession to the petitioner which was taken into the consideration and the Court passed the order. Armed with this report and the order passed by this Court in the said Crl.O.P., now the petitioner is seeking for grant of Electricity Connection.

3.The first respondent by the impugned communication, in my view, rightly called upon the petitioner to produce the document to show that he is in lawful possession of the premises. However, without producing the same, the petitioner has challenged the impugned proceedings before this Court.

4.The procedure adopted by the petitioner is incorrect and on the grounds raised by the petitioner, the impugned proceedings cannot be quashed. If the petitioner seeks for service connection in her name, the petitioner has to prove lawful possession. Therefore, while rejecting the prayer to quash the impugned proceedings, liberty is granted to the petitioner to produce the relevant documents to show that she is in lawful possession of the premises in question and if the same is produced to the satisfaction of the first respondent, it may be considered in accordance with the relevant regulations/rules.

5.With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To
The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Kilpauk, Chennai Centre,
37, Medavakkam Tank Road, Chennai-600 010.

+ 1 cc to Mr.P.R.Dhilip Kumar, Advocate SR 4666
+ 1 cc to Mr.S.Gunasekaran, Advocate SR 4544

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