

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.43118 of 2016

K.Sumathi

... Petitioner

-Vs-

1. The Superintending Engineer
Chennai EDC/North
144, Anna Salai
Chennai 600 002
2. The Assistant Executive Engineer
CEDC North-Manali
Manali, Chennai
3. The Assistant Engineer
Distribution/TNEB
Nappalayam, Chennai-103

.... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider the Appeal Petition dated 19.10.2016 pending on the file of the first respondent, dispose off the same on merits and in accordance with law within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.S.Vijaya Ganesh

For Respondents : Mr.P.R.Dhilip Kumar for R1 to 3

ORDER

This writ petition has been filed by Mrs.K.Sumathi, W/o Kanniappan seeking issuance of a writ of mandamus directing the first respondent-Superintending Engineer, Chennai Electricity Distribution Circle/North to consider the pending appeal petition dated 19.10.2016 on merits and in accordance with law.

2. Learned counsel for the petitioner submitted that the petitioner and her family are residing at Door No.47, Dr.Ambedkar Nagar, Nappalayam, Manali New Town, Chennai-103. As

they are eking out their livelihood by doing coolie work, the petitioner has given an application on 22.8.2016 seeking domestic electricity service connection to the third respondent with all the necessary proof as mandated by Regulation 27 of the Tamil Nadu Electricity Distribution Code. It is also stated that she has also submitted identity and address proof. As the petitioner is living in the land which has been classified as 'village natham' suitable for residential occupation, the Village Administrative Officer, Nappalayam village has also recognised her possession in his letter dated 17.2.2015 and this apart, she has also given indemnity bond to the third respondent enabling them to disconnect the service connection in the event of any acquisition being ordered by the Government of Tamil Nadu. However, the third respondent in his letter dated 20.9.2016 informed the petitioner that only if a No Objection Certificate is obtained from the Chennai Metropolitan Development Authority, the electricity service connection can be established in her property. Aggrieved by the same, she has filed an appeal before the first respondent on 19.10.2016. Since the same has not been considered, she has come to this Court.

3. The learned counsel for the respondents also sought two weeks time to consider the pending appeal.

4. Considering the limited prayer sought for by the petitioner, the writ petition is disposed of with a direction to the first respondent to consider the appeal petition dated 19.10.2016 filed by the petitioner on merits and pass appropriate orders in accordance with law within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

ss

To

1. The Superintending Engineer
Chennai EDC/North
144, Anna Salai, Chennai 600 002
2. The Assistant Executive Engineer
CEDC North-Manali
Manali, Chennai-600 068

3. The Assistant Engineer
Distribution/TNEB
Nappalayam, Chennai 600 103

+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.72570

W.P.No.43118 of 2016

NMI (CO)
CA(21/12/2016)



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