

In the High Court of Judicature at Madras

Dated : 08.1.2016

Coram :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No.742 of 2016

S.Senthilmurugan

...Petitioner

Vs

1.The Superintending Engineer,
Operation & Maintenance,
Tamil Nadu Generation & Distribution
Corporation Ltd. (TANGEDCO),
Thiyagadurgam, Villupuram District.

2.The Assistant Engineer, Operation &
Maintenance, Tamil Nadu Generation
& Distribution Corporation Ltd.
(TANGEDCO), Thiyagadurgam,
Villupuram District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent in connection with the impugned order passed in Ka.No. 2.Mi.Po/Na/T.Durgam/Ko.Po. Ma/A.No.301 dated 21.11.2014 and subsequent order made in Ka.No.2.Mi.Po/Na/T.Durgam/Ko.Po.Ma./No. /2015 dated 31.8.2015, quash the same and further direct the respondent to effect the name transfer of electricity connection in the name of the petitioner within a reasonable time as this Court may deem fit and proper.

For Petitioner : Mr.S.Sivakumar

For Respondents: Mr.S.Varunkumar

ORDER

Mr.S.Varunkumar, learned Standing Counsel takes notice for the respondents. Heard the learned counsel for the petitioner. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner challenges the order passed by the second respondent dated 31.8.2015, in and by which, the petitioner's request for transfer of electricity service connection has been rejected on two grounds. The first ground for rejection is that the Will, which has been produced by the petitioner to show that the property has been bequeathed in his favour, is unregistered. The second ground is that the petitioner shall produce documents to show that he is lawfully entitled to the property in question.

3. In so far as the first reasoning for rejection is concerned, it has to be pointed out that a Will is not compulsorily registerable in terms of the Registration Act. Therefore, the first reasoning is quashed.

4. In so far as the second reasoning, the learned counsel for the petitioner states that as the patta and a copy of A-Registrar have been issued in the name of the petitioner, the petitioner will produce the same before the second respondent.

5. However, from the materials placed before this Court, there is nothing on record to show that these documents were produced before the second respondent. The petitioner has to appear before the second respondent and produce these documents.

6. Therefore, the writ petition is partly allowed and the petitioner is directed to appear before the second respondent within two weeks from the date of receipt of a copy of this order and produce all documents to prove his claim that he is in lawful possession of the property in question. On being satisfied, the second respondent shall transfer the electricity service connection in the name of the petitioner, within two weeks thereafter. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

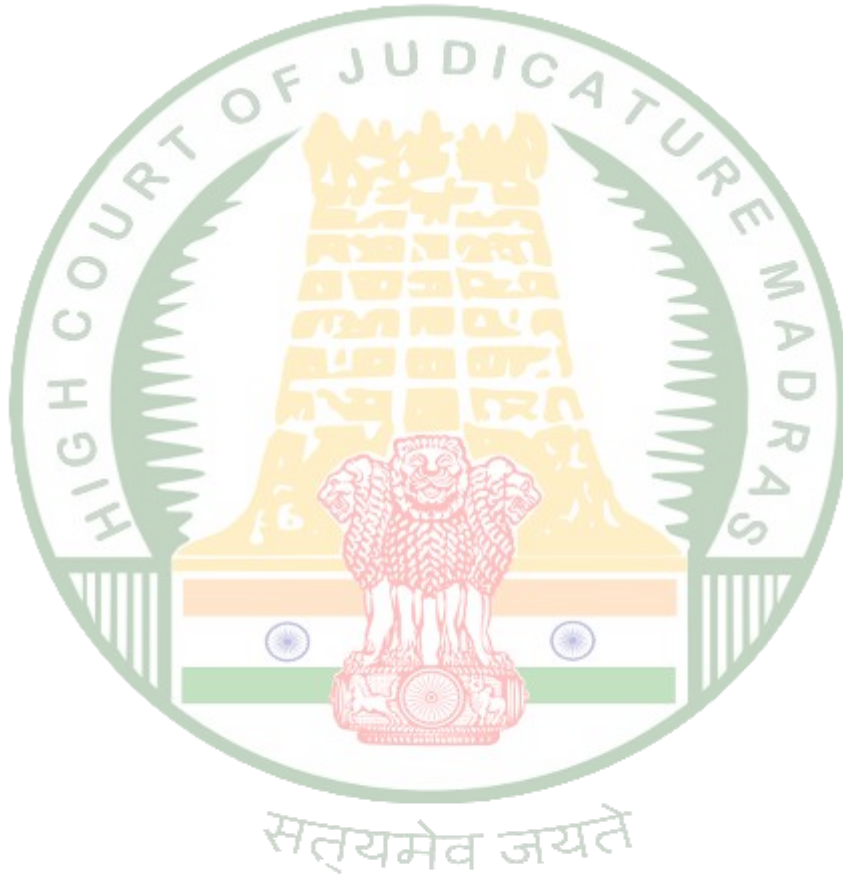
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+1 cc to Mr.S.Sivakumar, Advocate, sr.1337

vgi co
kra 29.01.2016

WP.No.742 of 2016



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