

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.NO.4516 OF 2017

AND W.M.P.NO.4740 OF 2017

V.Malliga Petitioner

Versus

1.The Assistant Engineer

☺ ☹ ☹ / Shenoy Nagar
TANGEDCO
Tamil Nadu Electricity Board
Chennai - 600 102.

2.The Chairman

Tamil Nadu Electricity Board
Chennai - 600 002.

3.K.P.Elumalai

(R-3 is impleaded as per order dated
08.03.2017 in WMP No.5276/2017
in WP No.4516/2017)

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct the first respondent herein to provide the new electricity connection to the petitioner's residence (of 225 sq.ft) at No.6D, 6th Cross Street, R.V.Nagar, Shenoy Nagar, Anna Nagar East, Chennai - 102.

For Petitioner : Mr.A.L.Namasivayam
For Respondents
1 and 2 : Mr.P.R.Dhilipkumar
For Respondent 3 : Mr.S.Srinivasan

O R D E R

The petitioner, who is said to be in occupation of Door No.6D, 6th Cross Street, R.V.Nagar, Anna Nagar East,

Chennai - 600 102, has filed the present writ petition seeking service connection, wherein, the learned counsel for the petitioner would submit that the *inter se* dispute between the petitioner and the third respondent cannot be a ground to deny the service connection.

2. The petitioner has been residing there for more than 30 years. The Family Card, Aadhaar Card and other related documents would show the factum of possession. The service connection has not been given by the first respondent on the sole premise that the petitioner has not produced the documents evidencing payment of property tax, which cannot be acceptable in law.

3. The learned counsel for the third respondent would submit that a suit has been filed in O.S.No.146 of 2017 on the file of VII Assistant Judge, City Civil Court, Chennai, against the the petitioner and the Electricity Department. The petitioner was given permissive possession, being a relative. The agreement entered into, though registered in the year 1985, has been given up and admittedly there is no sale deed in favour of the petitioner as of now. As the third respondent is the owner of the property, the request of the petitioner will have to be rejected.

4. From the records, it is clear that the petitioner is in possession and enjoyment of the property in question. It is not as if she claims service connection for the entire property, but only to a portion, which she is residing. Granting of service connection would not tantamount to the title of the petitioner. A mere pendency of the suit by itself cannot be a ground to declare the relief sought for.

5. After all the petitioner being a lady, is stated to be residing in a small portion of the entire property, which is stated to be about 225 sq.ft alone. In such view of the matter, this Court is of the view that it will be a fit case where the first respondent will have to be directed to give service connection to the petitioner. However, on going through the documents, this Court is of the view that the petitioner has not *prima facie* established title, as against the third respondent. Thus, without going into the respective contentions of the parties, this Court is of the view that the service connection may be given in the name of the third respondent though the liability to pay the charges would be on the petitioner.

6. In such view of the matter, the writ petition is disposed of by directing the first respondent to give service connection to the petitioner subject to the satisfaction of

electricity payment as per law. This order is passed subject to the pending proceedings.

7. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

-sd-

Assistant Registrar

//True copy//

Sub Assistant Registrar

TK

To

1.The Assistant Engineer

☪ ☪ ☪ / Shenoy Nagar

TANGEDCO

Tamil Nadu Electricity Board

Chennai - 600 102.

2.The Chairman

Tamil Nadu Electricity Board

Chennai - 600 002.

+2 C.C. to Mr.A.L.NAMASIVAYAM Advocate SR.NO.21811

+1 C.C. to Mr.P.R.DHILIPKUMAR Advocate SR.NO.21497

W.P.NO.4516 OF 2017

KJI (CO)

VS 20.04.2017

सत्यमेव जयते

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