

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4845 of 2017
and W.M.P.No.5066 of 2017

K.Kuppusamy

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
TANGEDCO,
N.P.K.R.R. Maaligai,
No.144, Anna Salai,
Chennai - 2.

2.The Assistant Engineer,
O & M/Velachery/Central,
TANGEDCO,
CEDG/S, Chennai - 42.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the 2nd respondent to provide electricity power supply connection in the name of the petitioner or in the joint name of the petitioner along with petitioner's mother K.Rukmani and sister K.Bommi at No.52/48, Orandiamman Koil Street, Velachery, Chennai - 600 042 within a period stipulated by this Court without insisting on No Objection Certificate from the Co-owners.

For Petitioner: Mr.K.Rajasekaran

For Respondents: Mr.S.K.Rameshuwar

O R D E R

By consent, this writ petition is taken up for final disposal. Mr.S.K.Rameshuwar, learned Standing Counsel accepts notice on behalf of the respondents.

2. The petitioner claims that his father Kandasamy Nayakar S/o. Pandu Nayakar, was the owner of the vacant site in Giramanatham Survey No.438 Velachery Village and thereafter, he has put up constructions and it was also granted service connection bearing No.288/003/307 and the service connection was disconnected on account of non payment of electricity consumption charges.

3. The learned counsel appearing for the petitioner would submit that his father died on 30.11.1994 and the Tahsildar, Mamabalam has issued a legal heir certificate dated 30.01.1995 stating that the petitioner, his mother and his sister viz., K.Bommi are the legal heirs of the deceased Kandasamy and all of them are joint owners of the premises. The petitioner submitted an application dated 05.01.2017 praying for restoration/grant of fresh service connection and it was returned on 11.01.2017 by the second respondent, calling upon the petitioner to produce the certified copy of the proof of ownership and consent letter from the legal heirs. He further submitted that there is some difference of opinion between him and his mother viz., Rukmani and as such he is unable to produce the no objection certificate from his mother and prays for appropriate orders.

4. Per contra, Mr.S.K.Raameshuwar, learned standing counsel appearing for the respondents would submit that the petitioner is under obligation at least to produce the certified copies of documents proving his ownership and in the absence of such vital document, the request made by the petitioner cannot be considered.

5. The petitioner in response to the said submission would submit that it would suffice to direct the respondents to give service connection in the joint names of petitioner, in the name of his mother as well as in the name of his sister and prays for appropriate orders.

6. In the light of the above facts and circumstances, this Court permits the petitioner to submit one more representation to the second respondent along with the certified copy of proof of ownership, which include the certified copy of the sale deed dated 18.11.1953 bearing document No.2317 of 1953 in the name of the petitioner's father, death certificate of the petitioner as well as the legal heir certificate within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the second respondent shall put the mother and sister of the petitioner on notice and thereafter pass appropriate orders within a period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to his mother and his sister.

7. The Writ Petition is disposed of accordingly. Consequently, connected miscellaneous application is closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
TANGEDCO,
N.P.K.R.R. Maaligai,
No.144, Anna Salai,
Chennai - 2.

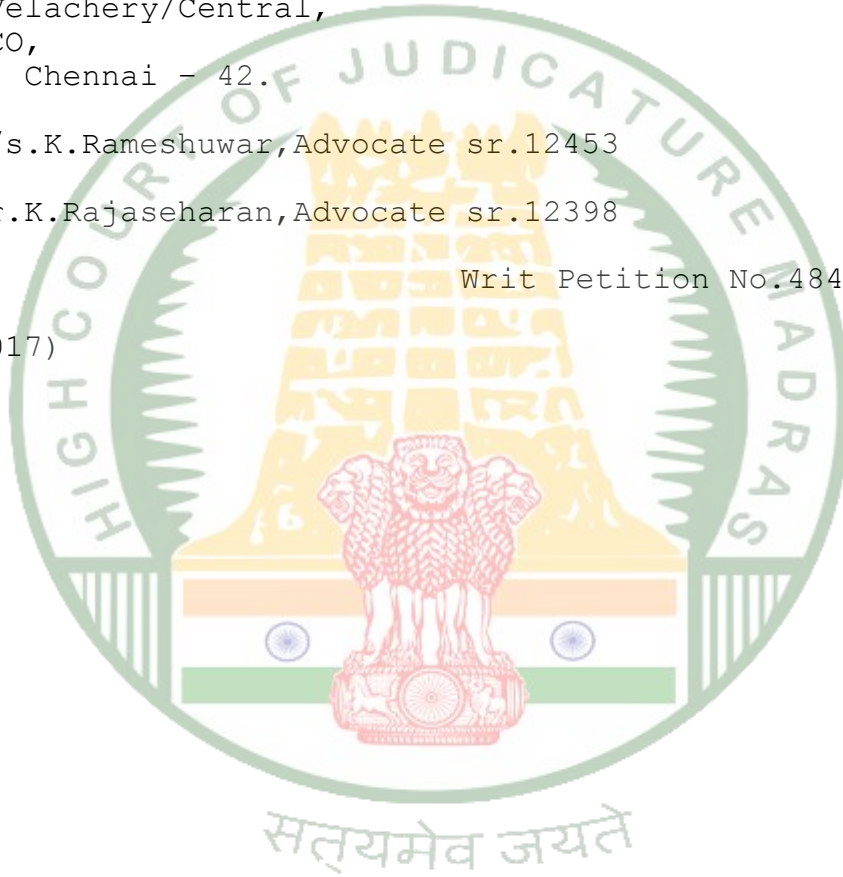
2.The Assistant Engineer,
O & M/Velachery/Central,
TANGEDCO,
CEDG/S, Chennai - 42.

+1cc to M/s.K.Rameshuwar,Advocate sr.12453

+1cc to Mr.K.Rajaseharan,Advocate sr.12398

Writ Petition No.4845 of 2017

ppa (co)
ss (15/3/2017)



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