

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.02.2017

Coram

The Hon'ble Mr.Justice NOOTY.RAMAMOHANA RAO  
and  
The Hon'ble Mr.Justice S.M.SUBRAMANIAM

W.A. No.75 of 2017

R.Shyamala Devi

.. Appellant

Versus

1. The Executive Engineer Operation & Maintenance, Tamil Nadu Electricity Board, T.B. Road, Thenpathy, Sirkali, Nagapattinam District.
2. The Assistant Executive Engineer Operation & Maintenance (North), Tamil Nadu Electricity Board, Sirkali, Nagapattinam District.
3. The Junior Engineer Operation & Maintenance (Urban), Tamil Nadu Electricity Board, Sirkali, Nagapattinam District.
4. Mr.Ramesh, President, Thittai Panchayat, Sirkali Taluk, Nagapattinam District. .. Respondents

Appeal filed under Clause 15 of the Letters Patent, against the common order dated 25.02.2016, passed in W.P.No.4330 of 2014, by the learned single Judge.

WP.No.4330 of 2014:Writ of Certiorarified Mandamus, Calling for the records of the 3rd respondent in his proceedings Ka. No.E.Mi.Po/ E.Pa/Nagar/ Seer/ Ko.Kattu/ A.No.36/13 dated 23.8.2013 and quash the same and further direct the respondents 1 to 3 to provide electricity service connection to the petitioner as requested by her in her application dated 1.8.2013 in respect of her hosue at Door No.522/2 Karpagam Nagar Thittai Road Sirkali Nagapattinam District within a stipulated time.

For Appellant .. Mr.S.Velayutham

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JUDGMENT

(Delivered by NOOTY.RAMAMOHANA RAO, J)

This Appeal is directed against the order passed by the learned single Judge disposing of the writ petition instituted by the appellant herein.

2. When the Writ Petitioner has sought for electricity service connection to be provided at a particular premises, the Assistant Executive Engineer through his communication dated 23.08.2013, refused the request, pointing out that the local Panchayat President has objected for providing electricity service connection at the premises specified by the Writ Petitioner as the land in question belonging to the Panchayat which is set apart as a park. In those circumstances, the learned single Judge has noted that it is open to the Writ Petitioner to provide necessary documentary evidence to establish his right of residence in the premises where he applied for electricity service connection so that the Respondents will be able to examine the same and take appropriate decision thereon.

3. We see no reason why we should interfere with the order of the learned single Judge. When a consumer claims electricity service connection to be provided at a particular premises, he must establish a semblance of right which he has to reside therein.

4. In the instant case, no such right has been demonstrated to exist relating to the possession of the same premises where the writ petitioner sought for electricity service connection as it belongs to the Local Body which is set apart as a park.

5. In these circumstances, no interference is called for in the order passed by the learned single Judge and accordingly, the writ appeal stands dismissed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gr.

To

1. The Executive Engineer Operation & Maintenance, Tamil Nadu Electricity Board, T.B. Road, Thenpathy, Sirkali, Nagapattinam District.
2. The Assistant Executive Engineer Operation & Maintenance (North), Tamil Nadu Electricity Board, Sirkali, Nagapattinam District.
3. The Junior Engineer Operation & Maintenance (Urban), Tamil Nadu Electricity Board, Sirkali, Nagapattinam District.

+1 cc to Mr.J.Justin Advocate sr 8181

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