

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.21534 of 2017

1.S.Subramani
2.Dandapani
3.K.Kumar
4.M.Saraswathi

.... Petitioners

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
NPKRR Maligai, No.144, Anna Salai,
Chennai - 600 002.

2.The Executive Engineer (Operation &
Maintenance),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Perambur Paper Mills Road, Perambur,
Chennai - 600 011.

3.The Assistant Engineer (Operation &
Maintenance),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Lakshmipuram, Chennai - 600 099.

4.The Executive Officer,
Arulmigu Somanathaswamy Thirukoil,
Kolathur, Chennai - 600 099.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 3rd respondent to provide electricity connection to the respective petitioners' houses at Subash Nagar Extension, Puthagaram, Kolathur, Chennai - 600 099.

For Petitioners : Mr.M.Rajendran

For Respondents : Mr.P.R.Dilip Kumar,
Standing Counsel - TNEB (R1 to R3)

Mr.M.Maharaja,
Special Government Pleader (HR & CE) (R4)

O R D E R

Mr.P.R.Dilip Kumar, learned standing counsel takes notice for the respondents 1 to 3 and Mr.M.Maharaja, learned Special Government Pleader takes notice for the 4th respondent. By consent, the main writ petition is taken up for disposal at the admission stage itself.

2.The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the 3rd respondent to provide electricity connection to the respective petitioners' houses at Subash Nagar Extension, Puthagaram, Kolathur, Chennai - 600 099.

3.It is the case of the petitioners that the petitioners are in possession and enjoyment of the houses in Survey No.69/1, which belongs to Arulmigu Somanathaswamy Thirukoil, Kolathur and that they are living in the houses without electricity connection, hence, they applied for a service connection with the 3rd respondent. However, the same was not granted for the reason that the 4th respondent had objected for the grant of electricity connection.

4.Mr.M.Maharaja, learned Special Government Pleader appearing for the 4th respondent submitted that the 4th respondent had already filed suits in O.S.Nos.95 to 101 of 2013 on the file of the District Munsif Court, Tiruvottiyur against the petitioners for recovery of possession and the trial Court had also decreed the suits in favour of the 4th respondent. Further, the learned Special Government Pleader submitted that pursuant to the decree passed in the suits, the 4th respondent has also filed Execution Petitions in E.P.Nos.5 to 10 of 2017 on the file of the District Munsif Court, Tiruvottiyur, which is posted for hearing on 12.09.2017.

5.This Court is of the view that even if the petitioners have no right or title over the property, they are entitled to get electricity connection, which is a basic amenity for day-to-day life.

6.The learned Special Government Pleader submitted that liberty may be given to the 4th respondent Temple to apply for

the service connection in the name of the Temple and the 3rd respondent may be directed to give service connection in the name of the Temple viz., the 4th respondent.

7.The learned counsel appearing for the petitioners submitted that the petitioners have no objection for granting service connection in the name of the 4th respondent Temple.

8.In view of the submissions made by the learned counsel on either side, I direct the 4th respondent Temple to apply for electricity connection in their name in respect of the houses, which are in possession of the petitioners, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the applications to be submitted by the 4th respondent, the 3rd respondent shall grant electricity connection to the houses in which the petitioners are in possession, within a period of two weeks thereafter. By granting electricity connection, the petitioners shall not claim any equity or right or title over the properties in any manner whatsoever. It is also made clear that the petitioners are bound by the decree passed by the trial Court in O.S.Nos.95 to 101 of 2013 on the file of the District Munsif Court, Tiruvottiyur. It is also open to the 4th respondent Temple to prosecute the Execution Petitions in accordance with law.

9.With these observations, the Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
NPKRR Maligai, No.144, Anna Salai,
Chennai - 600 002.

2.The Executive Engineer (Operation &
Maintenance),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Perambur Paper Mills Road, Perambur,
Chennai - 600 011.

3.The Assistant Engineer (Operation & Maintenance),
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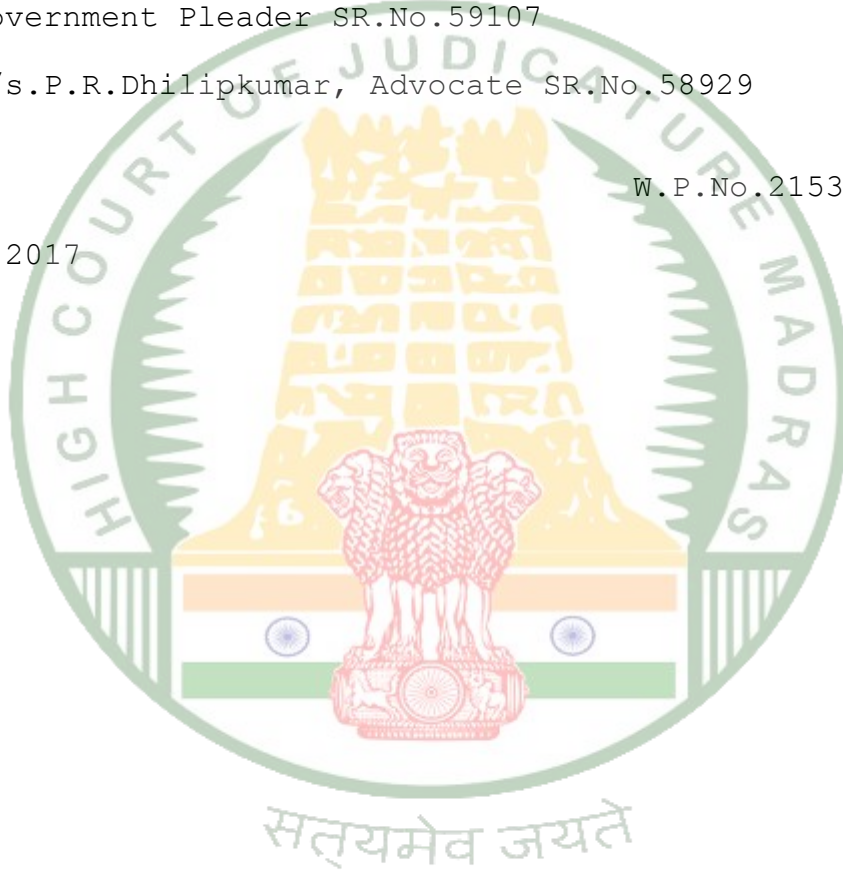
4.The Executive Officer,
Arulmigu Somanathaswamy Thirukoil,
Kolathur, Chennai - 600 099.

+1cc to Government Pleader SR.No.59107

+1cc to M/s.P.R.Dhilipkumar, Advocate SR.No.58929

W.P.No.21534 of 2017

SDR 31.08.2017



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