

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.32991 of 2017

T.Arasu

..Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
N.P.K.R.R.Maalgai,
Chennai - 600 002.

2. The Chief Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board,
N.P.K.R.R.Maalgai,
Chennai - 600 002.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamusto direct the 2nd respondent to connect the House Electricity Service Supply in the receipt cum intimation notice No.0916984 dated 20.02.2014 & Receipt No.0916982 based on the petitioner's representation dated 16.08.2017 situated at No.29A, Kathivakkam High Road, Ernavoor Village, Chennai - 600 057, Thiruvootiyur (Taluk) Tiruvallur (Dit.) Chennai Corporation Limit.

For Petitioner : Mr.B.Chandran

For Respondents : Mr.P.R.Dilip Kumar,
Standing Counsel for E.B.

O R D E R

Mr.A.Kumar, learned Special Government Pleader takes notice for the respondents and by consent of the parties, the main writ petition itself is taken up for final disposal.

2. The petitioner seeks for a mandamus directing the 2nd respondent to effect service connection to the petitioner's premises at Door No.29A, Kathivakkam High Road, Ernavoor Village, Chennai - 600 057, Thiruvootiyur (Taluk) Tiruvallur (Dist.) Chennai Corporation Limit, based on his representation dated 16.08.2017.

3. It is stated by the petitioner that he is residing in the said premises with his family for more than 28 years and he is having four School going children. It is stated that the service connection originally given to the petitioner was disconnected and therefore, the petitioner has given further application and also paid necessary fees for effecting service connection. The grievance of the petitioner is that the respondents have not taken steps to effect service connection till this date.

4. Learned counsel appearing for the respondents, based on instructions, submitted that the petitioner appears to be residing in the property belonging to the Railways and therefore, based on the objections raised by the Railways, the service connection given to the petitioner premises was disconnected. Apart from the above the said reason, the learned counsel further stated that even the service connection previously available in the petitioner's premises was not given in the name of the petitioner and on the other hand, they have drawn power line from the neighbour.

5. It is seen that the petitioner is residing in a small house, not even having a concrete roof but with asbestos cover. It is further seen that the petitioner is having four children, out of whom, three are school going. Assuming that the petitioner is occupying the property owned by the Railways, unless and until they are vacated in the process and manner known to law, the respondent Electricity Board cannot deny the basic amenity to the petitioner namely, the electricity supply. Therefore, without prejudice to the contentions of either parties, the second respondent shall consider the request of the petitioner dated 16.08.2017 and take appropriate action for provision of electricity supply after collecting necessary charges, within a period of two weeks. It is made clear that this order shall not be construed as the one conferring any right on the petitioner to stay in the property forever if the property belongs to Railways and the said authority takes steps to evict the petitioner in the manner known to law. Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Electricity Board,
N.P.K.R.R.Maaligai,
Chennai - 600 002.

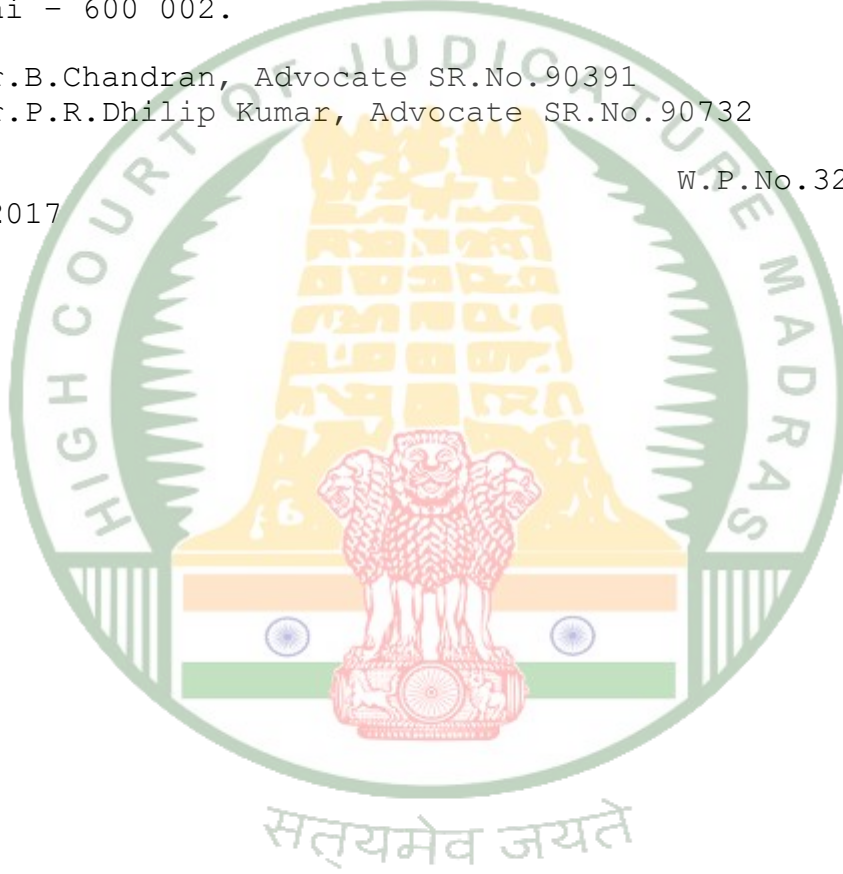
2. The Chief Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board,
N.P.K.R.R.Maaligai,
Chennai - 600 002.

+1cc to Mr.B.Chandran, Advocate SR.No.90391

+1cc to Mr.P.R.Dhilip Kumar, Advocate SR.No.90732

W.P.No.32991 of 2017

sm:20.12.2017



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