

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.39160 of 2016
& WMP No.33531 of 2016

V.Agnes Mary

.. Petitioner

Vs.

1.The Chairman-cum-Managing Director,
TANGEDCO, Anna Slai,
Chennai-600 002.

2.The Assistant Engineer,
Tamil Nadu Electricity Board,
Kundrathur Area, No.1, Pallar Street,
Chennai-600 069.

3.Sivasankaran @ Sankaran

.. Respondents

Writ Petition is filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the second respondent to give electricity connection in the name of the petitioner to the portion of the premises under her occupation in the Plot Nos.20 and 21, Bavani Nagar Extension-2 in Sirukalathur Village, Sriperumbudur Taluk, Chennai-600 069 in collecting necessary charges and deposit.

For Petitioner .. Mr.R.Narendran

For respondents .. Mr.S.K.Rameshwar for R1 & R2

R3-Refused

सत्यमेव जयते

ORDER

The petitioner's request for temporary domestic connection for construction was objected to by the third respondent on the premise that the said land is an agricultural land. Thereafter, an enquiry was conducted. After satisfying the reply given by both the parties, steps have been taken to execute the work to install the pole. At that point of time, the third respondent once again objected. Thereafter, a letter was sent by the second respondent to the petitioner to get a certificate that the land is only a road.

2. Heard the learned counsel appearing for the petitioner and respondents 1 and 2.

3. As the third respondent has refused to receive the notice, it is presumed in law that notice has been duly served.

4. From the records it is seen that the third respondent has filed two suits earlier which have been dismissed for non-prosecution. He has also not produced any records to the satisfaction of respondents 1 and 2 to show that the land over which the petitioner seeks action belongs to him. That is the reason why the second respondent has proceeded with the erection of the pole. When the third respondent has not produced any iota of the document to show even that the place over which the pole is sought to be erected belongs to him, he cannot make any objection legally. For the aforesaid purpose, the second respondent ought not to have called for the petitioner to get a certificate from the Tahsildar to the effect that the area over which pole is sought to be erected is only a road. Thus, it is very clear that the objection of the third respondent is primarily on the house constructed by the petitioner. As stated above, two suits filed by the third respondent were dismissed. He has also not produced any document to satisfy respondents 1 and 2. What the petitioner seeks is only a service connection.

5. Considering the above, this Court is inclined to allow the writ petition and accordingly, the same is allowed by directing the second respondent to effect the service connection to the petitioner pursuant to the work initiated for installation of the pole and do the needful within a period of four weeks from the date of receipt of a copy of this order. For execution of the said work, it is open to the second respondent to take the help of the local police in the event of any objection from the third respondent. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

-s/d-

Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

raa

To

1.The Chairman-cum-Managing Director,
TANGEDCO, Anna Salai,
Chennai-600 002.

2.The Assistant Engineer,
Tamil Nadu Electricity Board,
Kundrathur Area, No.1, Pallar Street,
Chennai-600 069.

+3 ccs to Mr.R.Narendran Advocate sr 17395,17314
+1 cc to Mr.S.K.Rameshuwar Advocate sr 17540

W.P.No.39160 of 2016

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