

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.44531 of 2016

Mr.S.Padmanabhan .. Petitioner

-vs-

1. Chief Engineer-TNEB
NPKRR Maaligai
5 A Block, Electricity Avenue
144, Anna Salai
Chennai 600 002
2. The Superintending Engineer-TNEB
110 K.V.Complex
K.K.Nagar
Chennai 600 078
3. The Executive Engineer-TNEB
No.33/11, K.V. SS Complex
IIT Compound
Chennai 600 036
4. The Asst. Executive Engineer-TNEB
No.33/11, K.V. SS Complex
IIT Compound
Chennai 600 036
- 5.The Assistant Engineer-TNEB
No.33/11, K.V.SS.Complex,
IIT Compound, Chennai-113 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to convert the Single Phase electricity connection to 3 Phase electricity connection at First Floor, Old No.9, New No.4, Mannappa Street, Kottur, Chennai 600 085.

For Petitioner :: Mr.T.J.Baalaji

For Respondents :: Mr.S.K.Rameshuwar

ORDER

Mr.S.Padmanabhan has come to this Court seeking a writ of mandamus, directing the respondents to convert the Single Phase electricity connection to Three Phase electricity connection at First Floor, Old No.9, New No.4, Mannappa Street, Kottur, Chennai 600 085.

2. Learned counsel for the petitioner submitted that the property bearing New No.4 (Old No.9), Mannappa Street, Kottur, Chennai comprised in T.S.No.124, Block No.17, Kottur Village, Mylapore-Triplicane Taluk measuring an extent of 2408 sq.ft., was purchased by the petitioner's mother Mrs.M.R.Devikarani under a sale deed dated 25.11.71 bearing Document No.2923 of 1971 on the file of the Sub Registrar's Office, Saidapet. After constructing a house, all were residing therein. After some time, the petitioner's father Mr.K.Sriraman died on 15.9.2011 and within three years, his mother also died intestate on 26.6.2014, leaving behind the petitioner, his younger sister B.Sangeetha and his younger brother S.Anantharaman as the legal heirs. Since his mother had obtained three electricity service connections, the petitioner is residing in the first floor premises at New No.4 (Old No.9), Mannappa Street, Kottur, Chennai, which is having only a single phase electricity connection in S.C.No.220:012:1176. His younger brother Mr.S.Anantharaman is also residing in the ground floor of the said premises, which is having three phase electricity connection. There is also one another separate connection. Now the grievance of the petitioner is that his son is pursuing 12th Standard and also facing the public examination, which is most important for his career. But due to the single phase connection in the first floor, he is facing frequent fluctuations and power cut. Therefore he has approached the TNEB office to convert the single phase electricity connection No.220:012:1176 to three phase electricity connection at his own cost. But his requests to the Executive Engineer, Assistant Executive Engineer and the Assistant Engineer of the TNEB were ignored. Hence he has been advised to come to this Court.

3. Mr.S.K.Rameshuwar, learned standing counsel for the respondents submitted that the respondent-TNEB is prepared to accept the case of the petitioner, provided the petitioner complies with the basic conditions required as per the law. Admittedly, in the present case, the petitioner is enjoying the single phase electricity connection, while living in the first floor of the premises, provided in the name of his mother, who is no more. When he is seeking conversion from single phase to three phase connection, the petitioner has to change the name of the consumer, viz., the name of his mother, who is no more. In addition thereto, he is also required to produce the death certificate of his mother, the legal heirship certificate as

well the no objection certificate from the other legal heirs. Unless these conditions are complied with by the petitioner, his request for conversion of single phase electricity connection to three phase cannot be considered by the respondent-TNEB.

4. I find merits in the submissions made by the learned standing counsel for the respondents. Therefore, this writ petition is disposed of with liberty to the petitioner to work out his remedy before the respondents for conversion of the single phase electricity connection bearing S.C.No.220:012:1176 provided in the first floor of the premises at New No.4, (Old No.9), Mannappa Street, Kottur, Chennai to three phase, after changing the consumer's name, namely, from his mother's name (since deceased) to his name, by producing the aforementioned three documents viz., death certificate, legal heirship certificate and no objection certificate and if all the aforementioned documents produced by the petitioner are in order, the respondents shall consider the request of the petitioner and do the needful as per law for conversion of the electricity service connection to the first floor of the premises in question, within a period of two weeks from the date of receipt of the documents from the petitioner. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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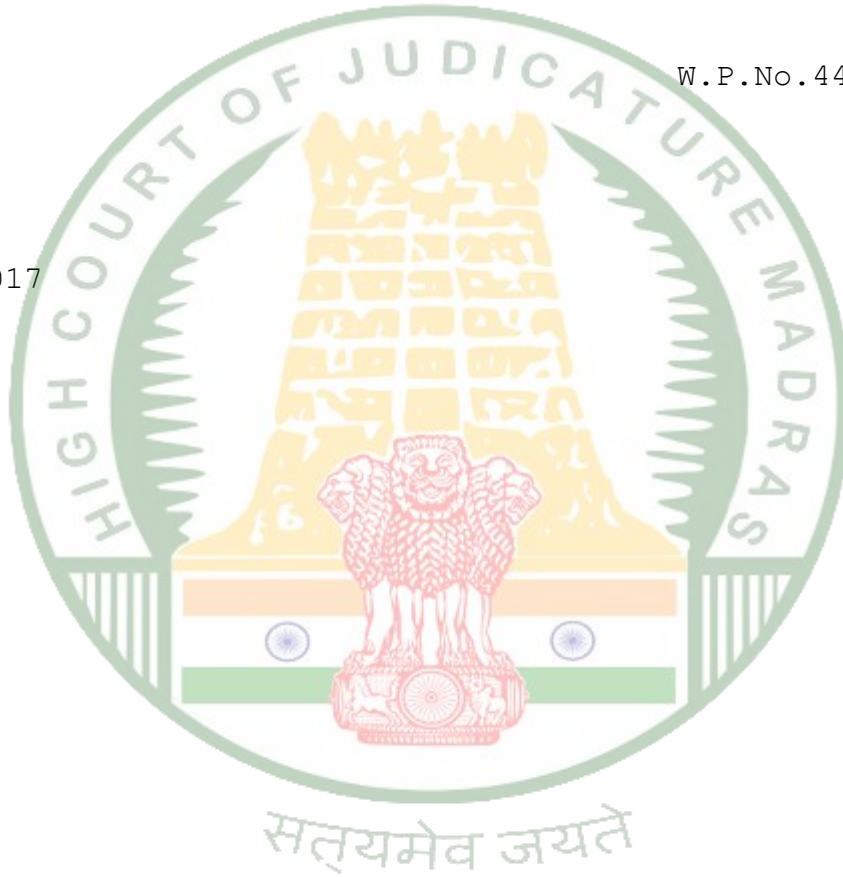
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+1 cc to Mr.S.K.Rameshuwar Advocate sr 8541

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