

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:12.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.607 of 2018

M.Pongalraj
S/o.Marienthiran

.. Petitioner

Vs.

1.The Assistant Engineer,
TANGEDCO.
Ayanambakkam,
Chennai-600 095.

2. The Executive Officer,
Kari Varadharaja Perumal Temple,
Mel Ayanambakkam,
Madhavaram,
Chennai-600 095.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st Respondent to provide Electricity Service Connection to the petitioner's residence at No.47/418, Ettiswaran Koil Street, Mel Ayanambakkam, Chennai-600 095, by accepting the indemnity Bond in view of the petitioner's representation dated 21.12.2017 without insisting for the No Objection Certificate from the 2nd Respondent herein.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.PR.Dhilip Kumar

Standing Counsel for R1

Mr.M.Maharaja,

Special Government Pleader (HR &CE)
for R2

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O R D E R

Mr.P.R.Dhilip Kumar, learned Standing counsel takes notice for the first respondent and Mr.M.Maharaja, learned Special Government Pleader (HR & CE) takes notice for the second respondent.

2. The petitioner seeks for a mandamus directing the first

respondent to provide Electricity Service Connection to the property at No.47/418, Ettiswaran Koil Street, Mel Ayanambakkam, Chennai-600 095, by accepting the indemnity bond and without insisting for the No Objection Certificate from the second respondent.

3. Heard both sides.

4. It is seen that the petitioner is residing in a property, which is claimed to be owned by the second respondent Temple. It is further seen that proceedings are initiated under Section 78 of HR & CE Act for eviction against the petitioner and the said proceedings are pending. In the meantime, the petitioner seeks for provision of electricity supply to the said property. Needless to say that providing electricity service connection does not confer any title to the person in occupation of the property in which service connection is provided. It is also to be noted that any facilities provided to the property is always subject to the outcome of the eviction proceedings initiated by the HR & CE Department. Therefore, considering the fact that the provision of electricity supply being the basic amenities, I direct the 1st respondent to consider the petitioner's application seeking for electricity supply without insisting for No Objection Certificate from the 2nd respondent and however, by providing such service connection only in the name of the 2nd respondent. It is made once again clear that this order is passed without prejudice to the rights of the parties under Section 78 proceedings. The petitioner shall pay the necessary charges for providing necessary service connection. The 1st respondent shall comply with this order within a period of two weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Assistant Engineer,
TANGEDCO.
Ayanambakkam,
Chennai-600 095.

2. The Executive Officer,
Kari Varadharaja Perumal Temple,
Mel Ayanambakkam,
Madhavaram,
Chennai-600 095.

+1cc to Mr.J.Ashok, Advocate Sr.No.2743
+1cc to Government Pleader SR.No.3425

sm:19.1.2018

W.P.No.607 of 2018



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