

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9537 of 2018

&

W.M.P.No.11441 of 2018

Gracy

.. Petitioner

-vs-

1.The Chairman / Managing Director
Tamil Nadu Generation and Distribution Corporation
Anna Salai, Chennai - 600 002

2.The Assistant Engineer
Tamil Nadu Generation and Distribution Corporation
Dr.Radhakrishnan Salai
Mylapore
Chennai - 600 004

... Respondents

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the second respondent herein to consider the representation of the petitioner herein dated 03.03.2018 to give electricity connection for the petitioner's property situated at No.4, Thiruveedhiamman Koil Street, Mylapore, Chennai- 600 004.

For Petitioners :: Mr.L.Prakash

ORDER

This writ petition has been filed seeking mandamus directing the second respondent Assistant Engineer, Tamil Nadu Generation and Distribution Corporation, Mylapore to consider her representation dated 03.03.2018 to give electricity service connection to her property situated at No.4, Thiruveedhiamman Koil Street, Mylapore, Chennai- 600 004.

2.Learned counsel appearing for the petitioner submitted that the petitioner purchased the above said property on payment of Rs.7,00,000/- through an unregistered sale deed and has given a representation to the second respondent on 03.03.2018 for giving electricity connection to her property. It is also the claim of the petitioner that after purchasing the property from one Dharisana Mary by executing the unregistered sale agreement

for a sum of Rs.7,00,000/-, the said Dharisana Marry received a sum of Rs.6,13,000/- from the petitioner and balance amount of Rs.87,000/- to be paid at the time of registering the said property. However, the petitioner is enjoying the property from November 2012 to till date. Unfortunately, in the meantime, the said Dharisana Marry expired on 27.01.2016 and the balance amount of Rs.87,000/- was received by the legal heirs of Mahimai Nayagi and Dharisana Marry. But, till date, in view of the death of Dharisana Marry, sale deed could not be registered. The petitioner is facing huge inconvenience since there is no electricity connection in the house in which she is living. Therefore, a representation has been given on 03.03.2018 to give electricity connection, but that has not been considered by the respondents 1 and 2.

3. Firstly, the petitioner herself claims that till date there is no sale deed registered in her favour. Secondly, when the petitioner claims that she has entered into an unregistered sale agreement for purchase of the property in question on payment of Rs.7,00,000/-, she herself admitted that she has paid only Rs.6,13,000/- to the owner of the property Dharisana Marry, who has expired on 27.01.2016, there is no proof whatsoever placed before this Court that the petitioner has paid Rs.6,13,000/-. Moreover, the petitioner claims that there is an unregistered sale agreement. In view of the death of Dharisana Marry, the petitioner cannot execute the sale deed in the name of a dead person. Therefore, for all the above reasons, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

WEB COPY

To

1.The Chairman / Managing Director
Tamil Nadu Generation and Distribution Corporation
Anna Salai, Chennai - 600 002.

2.The Assistant Engineer
Tamil Nadu Generation and Distribution Corporation
Dr.Radhakrishnan Salai
Mylapore
Chennai - 600 004

RSI (CO)
sm:10.5.2018

W.P.No.9537 of 2018



WEB COPY