

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 2257 of 2018 and WMP.NO.2749 of 2018

D.Maheswari

..Petitioner

vs

1. The Asst., Engineer (O&M)
Gandhi Nagar Phase,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Sembium Chennai - 600 011.

2. G.A.Alex Stephen

3.A.Raajendher
Prop.M/s.Chakravarthy Constructions,
No.5/32, 4th Manin Road,
Mugapair (West), Chennai-600 060. .. Respondents

[The 3rd respondent has impleaded vide order
dated 06.08.2018 in W.M.P.No.22673 of 2018]

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the 1st respondent to provide new Electricity Service
connection to the premises bearing Flat No.F-2, First Floor at
Door No.140, Balakrishnan Street, Nehru Nagar, Errukkencherry,
Chennai - 600 118.

For Petitioner : Mrs. Selvi Rajesh
For Respondents : Mr.P.R.Dilip Kumar for R1
Mr.M.Abdul Razak for R2

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O R D E R

The relief sought for in this writ petition is for a
direction directing the 1st respondent to provide new electricity
service connection to the premises of the petitioner bearing
Flat No.F-2, First Floor at Door No.140, Balakrishnan Street,
Nehru Nagar, Errukkencherry, Chennai 600 118.

2. The learned counsel appearing for the petitioner made a
submission that the writ petitioner is in occupation of the

premises at Flat No.F-2, First Floor at Door No.140, Balakrishnan Street, Nehru Nagar, Errukkencherry, Chennai - 600 118 and the 2nd respondent, who is the owner of the premises was not cooperating for getting electricity connection. Thus, the writ petitioner made application directly to the 1st respondent and the same has not been considered.

3. The learned counsel appearing for the 1st respondent opposed the contention by stating that the writ petitioner has to submit all necessary documents including the No Objection Certificate to be issued by the owner of the property for the purpose of providing electricity connection. Thus, in the event of submitting all the required documents, the case of the writ petitioner would be considered in accordance with the rules in force.

4. The learned counsel appearing for the 2nd respondent also opposed the contention of the writ petitioner by stating that the 2nd respondent is the owner of the property and the writ petitioner is neither the tenant nor the Leaseholder and the petitioner is in illegal occupation of the premises. In this regard, the 2nd respondent instituted a Civil Suit and the same is pending in O.S.No.5900 of 2009. Under these circumstances, the 2nd respondent also submitted his objection for providing electricity connection in the name of the writ petitioner, in view of the fact that he is in illegal occupation.

5. Under these circumstances, this Court is of an opinion that the person in occupation of the premises is at liberty to submit his application seeking electricity connection by proving that he is in legal occupation. In such an event, the person who is submitting the application, should submit all required documents along with application. If all such required documents are submitted, then alone the 1st respondent will be in a position to consider the case of the writ petitioner. Thus, the 1st respondent is at liberty to consider the application submitted by the writ petitioner if the same is in accordance with the rules in force.

6. The writ petition stands disposed of with the above observation. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

sk

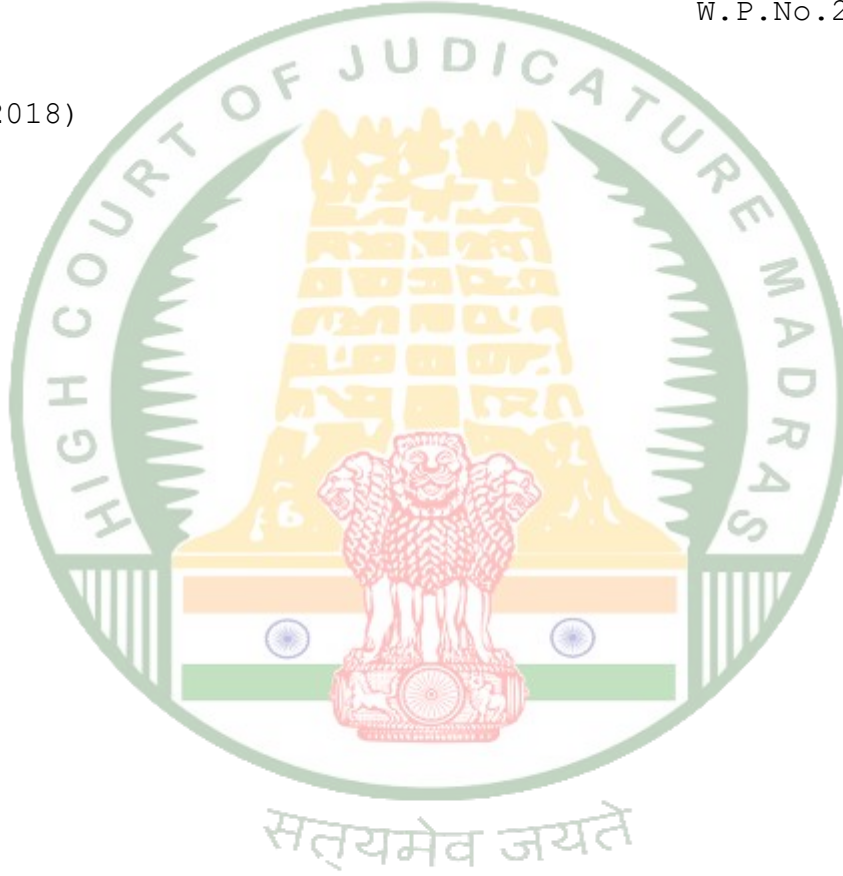
To

The Asst., Engineer (O&M)
Gandhi Nagar Phase,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Sembium Chennai - 600 011.

+2cc to Mr.P.RAJESH, Advocate, S.R.No.53789
+1cc to Mr.M.ABDUL RAZACK, Advocate, S.R.No.53764
+1cc to Mr.P.DHILIPKUMAR, Advocate, S.R.No.53676

W.P.No.2257 of 2018

KAN(CO)
TR(23/08/2018)



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