

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.22409 of 2018

B.Alamelu

... Petitioner

Vs

The Assistant Engineer
Sowcarpet/West
TNBE/CEDC/CENTRAL, TANGEDCO
No.38, Basin Water Works Street,
Chennai- 600 079.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in his communication in Letter No.UPO/E&PA/SAO/WEST/ KO.Court Proceedings/A118/2018 dated 06.07.2018 and to quash the same and further direct the respondent to provide the electricity service connection to D.No.114, E-Block, Kalyanapuram, Yanaikavuni, Chennai-600 003 as per the representation of the petitioner dated 16.04.2018.

For Petitioner : Mr.M.Rajasekhar

For Respondent : Mr.P.R.Dilip Kumar

ORDER

This writ petition has been preferred against the communication dated 06.07.2018 issued by the respondent, whereby, the petitioner was directed to produce "No objection certificate" obtained from the Tamil Nadu Slum Clearance Board, for effecting service connection in respect of the property bearing Door No.114, E-Block, Kalyanapuram, Yanaikavuni, Chennai-3.

2.According to the petitioner, the aforesaid property was allotted by the Tamil Nadu Slum Clearance Board to her father-in-law by name, S.Raji. Originally, the electricity service connection with respect to the aforesaid property stood in the name of one Paramasivam, who is none else than the elder brother of her husband and due to his default in payment of electricity consumption charges, the respondent had disconnected the service

connection on 11.06.2015. Subsequently, he left the property with all the documents. Thereafter, the petitioner applied for fresh service connection. However, the said request was not considered by the respondent. Hence, this writ petition.

3. On 31.08.2018, when the matter was taken up for admission, this Court directed the petitioner to implead the said Paramasivam as party respondent to this writ petition. Since the whereabouts of the said Paramasivam was not known to the petitioner, the learned counsel for the petitioner sought time to file an affidavit of undertaking to that effect.

4. Accordingly, today, the learned counsel for the petitioner filed an affidavit of the petitioner dated 20.09.2018, wherein, in paragraphs 2 and 3, it has been stated as follows:

"2.....I submit that the said Paramasivam got EB connection in his name and defaulted inpayment and the same was disconnected on 11.06.2015 itself. Furthermore, he left the premises taking away all the documents issued in favour of my father-in-law namely Raji.

3. I submit that for the past 5 years whereabouts of the said Paramasivam is not known either to me or to my husband and hence, I am unable to file the impleading petition as per orders of this Hon'ble Court. I have sworn this affidavit only for the purpose of affirming that whereabouts of the said Paramasivam is not known to me and hence, I am not able to file the impleading petition."

Further, the learned counsel restricted the relief sought in this writ petition only to issue a direction to the respondent to consider the claim of the petitioner seeking service connection with respect to the property in question.

5. On the other hand, the learned counsel for the respondent submitted that the respondent would consider the claim of the petitioner, in the light of the statements contained in the affidavit now filed by her.

6. Having regard to the submissions made by the learned counsel on either side and also taking note of the averments contained in the affidavit dated 20.09.2018 now filed by the petitioner, which is taken on record, this Court directs the respondent to consider the claim of the petitioner seeking service connection with respect to the property in question, on merits and as per law and pass appropriate orders, without insisting NOC from the Tamil Nadu Slum Clearance Board, within a

period of four weeks from the date of receipt of a copy of this order.

7.This writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CCC)

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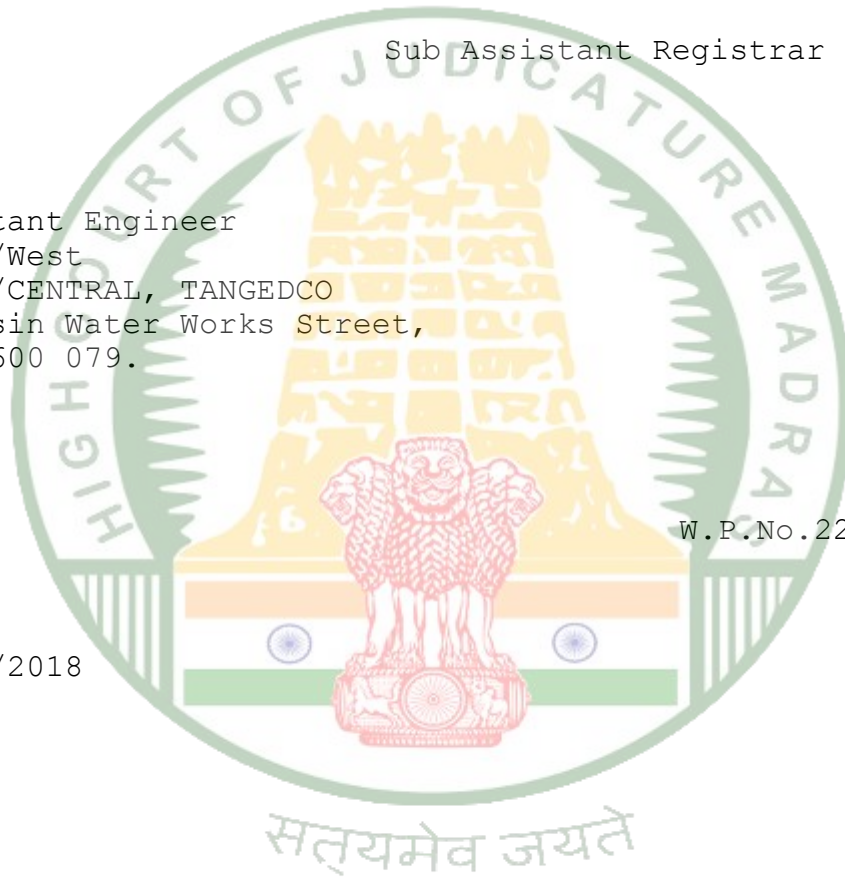
Sub Assistant Registrar

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To

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srg 29/10/2018



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