

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

C O R A M

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.14744 & 14745 of 2018

C.Shanthi

...Petitioner in W.P.No.14744/18

M.Latha

...Petitioner in W.P.No.14745/18

- Vs -

The Junior Electric Engineer

TANGEDCO

Tamil Nadu Electricity Board,

Koyambedu,

Chennai - 107.

... Respondent in both W.Ps.

Prayer in W.P.No.14744 of 2018 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to provide the electricity connection to the petitioner house bearing Door No.6, 2nd cross Street, Sivanthi Avenue, Nergundram, Chennai - 107, comprised in S.No.197/2, in Plot No.6, admeasuring 606 sq.ft., based on the application dated 13.07.2017 made by the petitioner.

Prayer in W.P.No.14745 of 2018 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to provide the electricity connection to the petitioner house bearing Door No.3, 2nd cross Street, Sivanthi Avenue, Nergundram Village, Chennai - 107, comprised in S.No.197/2, in Patta No.10646, Plot No.3 admeasuring 874 sq.ft., based on the application dated 13.07.2017 made by the petitioner.

For Petitioner

in both W.Ps.

... Mr.C.B.Muralikrishnan

For Respondents

in both W.Ps.

... Mr.P.R.Dhilip Kumar,
TNEB Standing Counsel

COMMON ORDER

Since the prayer sought for in both the writ petitions are similar and the respondents are also same in both the writ petitions and both the writ petitioners since sought for a similar prayer, these two writ petitions were heard together with the consent of the learned counsel for the parties and disposed of by this common order.

2. The prayer sought for in the first writ petition (W.P.No.14744 of 2018) is for issuance of a Writ of Mandamus, to direct the respondent to provide the electricity connection to the petitioner house bearing Door No.6, 2nd cross Street, Sivanthi Avenue, Nergundram, Chennai - 108, comprised in S.No.197/2, in Patta No.6, admeasuring 606 sq.ft., based on the application dated 13.07.2017 made by the petitioner. The prayer sought for in the second writ petition (W.P.No.14745 of 2018) is to issue a Writ of Mandamus, to direct the respondent to provide the electricity connection to the petitioner house bearing Door No.3, 2nd cross Street, Sivanthi Avenue, Nergundram Village, Chennai - 107, comprised in S.No.197/2, in Patta No.10646, Plot No.3 admeasuring 874 sq.ft., based on the application dated 13.07.2017 made by the petitioner.

3. According to the learned counsel for the petitioners in both the case, the respective property of the petitioner's concerned was purchased by them in the year 2006 by way of registered sale deed dated 15.12.2006 vide document No.6870 of 2006 and 6757 of 2006.

4. It is the case of the petitioners that, after purchasing the property they constructed a house and they have been residing there in the dwelling house. Hence, the respective petitioner's claim that, they have made an application to the respondent seeking to provide the electricity service connection by submitting the format application on 13.07.2017. However, the said application has not so far been considered and decided as nothing is forthcoming, therefore, the petitioners have approached this Court with the respective prayers in the said writ petitions.

5. Mr.P.R.Dhilipkumar, learned Standing Counsel appearing for the respondents submitted that, it was the claim of the respective petitioners that they made application on 13.07.2017, however, no such application was received by the respondent.

6. In this regard, since written instructions has been given by the respondent to the learned Standing Counsel relying upon the same, he would submit that, in the absence of receipt of any application with necessary documents and fee from the petitioner, the question of considering the said application as has been claimed by the petitioner in these writ petitions does not arise.

7. However, Mr.C.B.Muralikrishnan, learned counsel appearing for the petitioners in these cases would vehemently contend that, both the petitioners had made an application on 13.07.2017 in the prescribed format and the photocopy of the application also has been annexed in the typed set of papers.

Learned counsel would further submit that, whenever such applications are given by the consumers seeking to provide the electricity service connection, the normal procedure adopted in the respondent's office is to receive the same and no acknowledgment would be given for such receipt of application.

8. However, this statement made on the side of the petitioners is totally denied by the learned standing Counsel for the respondent Board, who would submit that, whenever applications are received in person certainly, acknowledgment would be given by way of affixing the official seal as well as the signature of the officer's concerned, who received the same in the photocopy of the application taken by the concerned applicants and in that case if either of the petitioners have given the application definitely acknowledgment would have been given, in the absence of any application, the stand taken by the respondent has to be taken into account.

9. I have heard the learned counsel on either side and have perused the materials available on record.

10. In so far as the denial of the receipt of the application is concerned, since it is an oath against oath, as the petitioners stand is that they made an application and according to the respondent no applications were received, we cannot enter into the truthfulness of that statements at this juncture. Instead, the petitioner's counsel would submit that, once again a fresh application would be submitted by the respective petitioner's to the respondent Board and once the application is submitted, that can be, directed to be considered by the respondent in accordance with law.

11. In view of the above said factual matrix, this Court is inclined to dispose of these two writ petitions with the following direction:

The petitioner's in both the writ petitions are hereby permitted to give a fresh application to the respondent, within a period of two weeks and once such application is received by the respondent, the same shall be considered and a decision on that application with regard to the grant of electricity service connection shall be taken by the respondent, within a period of six weeks thereafter.

In this regard, whatever additional particulars required by the respondent can also be obtained from the petitioner's concerned and after receipt of all the additional particulars and necessary charges, if the petitioner's in both the writ petitions are otherwise eligible, entitled to claim electricity service connection for the houses, the needful can be done by the respondent in accordance with law.



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With these directions, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

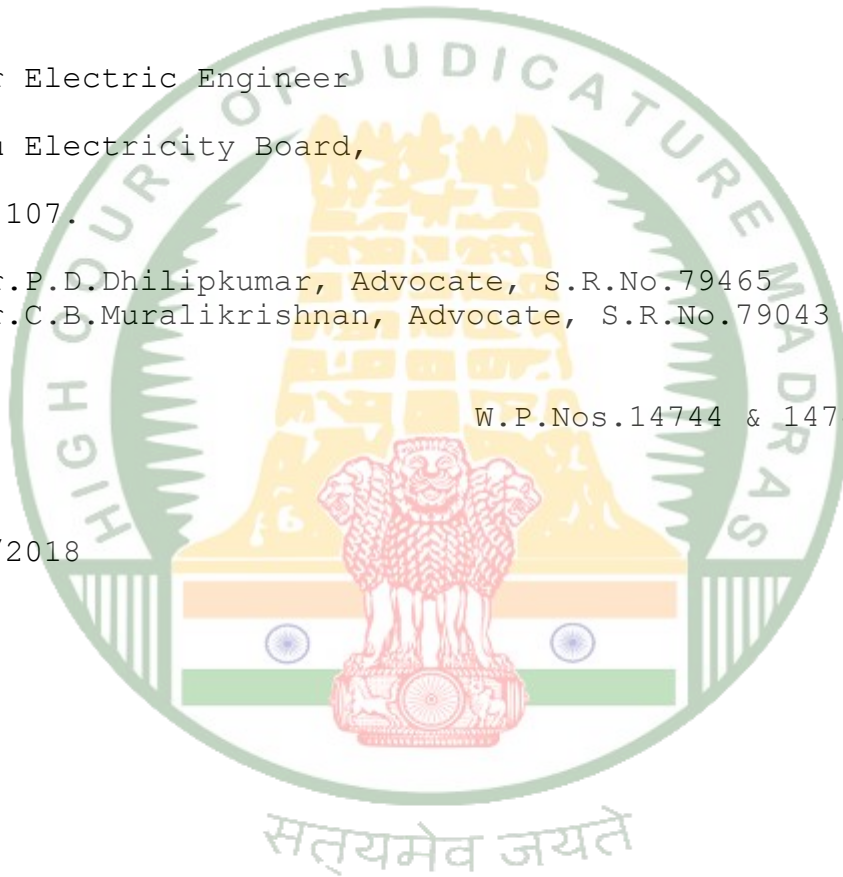
The Junior Electric Engineer
TANGEDCO,
Tamil Nadu Electricity Board,
Koyambedu,
Chennai - 107.

+1cc to Mr.P.D.Dhilipkumar, Advocate, S.R.No.79465
+1cc to Mr.C.B.Muralikrishnan, Advocate, S.R.No.79043

W.P.Nos.14744 & 14745 of 2018

MR(CO)

rrs 13/12/2018



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