

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.19011 of 2018

S.Kumaresan

..Petitioner

Vs

1.The Junior Engineer,
Operation and Maintenance,
TANGEDCO, Chengam - 606 709,
Thiruvannamalai District, Tamil Nadu.

2.The Assistant Executive Engineer,
TANGEDCO, Chengam - 606 709,
Thiruvannamalai District,
Tamil Nadu.

3.The Superintending Engineer,
TANGEDCO,
Thiruvannamalai Office,
Thiruvannamalai District,
Tamil Nadu.

4.E.Malarvizhi
(R4 impleaded as per order of this Court
dated 31.08.2018, in W.M.P.No.24119 of 2018
in W.P.No.19011 of 2018)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the respondents to forthwith provide electricity service connection (commercial) for the 20 shops constructed by the petitioner at No.881, Bangalore Main Road, Azhagapuri Nagar, Thukkapettai, Chengam 606 709, Thiruvannamalai District, without insisting for the No Objection Certificate.

For Petitioner : Mrs.R.Gouri

For Respondents : Mr.V.G.Suresh Kumar

for R1 to 3rd Respondent
Mr.V.G.Suresh Kumar for R4

O R D E R

The prayer sought for in this writ petition is for a mandamus, directing the respondents to forthwith provide electricity service connection (commercial) for the 20 shops constructed by the petitioner at No.881, Bangalore Main Road, Azhagapuri Nagar, Thukkapettai, Chengam 606 709, Thiruvannamalai District, without insisting No Objection Certificate.

2. The case of the petitioner is that the property in question originally belonged to his father. After his demise, the same was devolved on the petitioner and the fourth respondent. By virtue of Will dated 19.04.2010, executed by his father, the subject matter property was allotted to the petitioner and the same was probated by the District Court, Tiruvannamalai, by order dated 09.01.2012. Thereafter, he constructed 20 shops in the aforesaid property and submitted an application dated 23.03.2018 to the respondents 1 to 3, to provide electricity service connection for the same. However, the first respondent, by proceedings dated 17.4.2018 is insisting the petitioner to produce No Objection Certificate obtained from the revenue authorities. Hence, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner placed reliance on the judgement of this Court in A.Muthusamy and others Vs.The Assistant Engineer, Tamil Nadu Electricity Board, K.T.C.Nagar, V.M.Chathiram, Tirunelveli [2009(4) CTC 606] wherein it has been held that in terms of Clause 27(2)(4) of the Tamil Nadu Electricity Distribution Code, the Electricity connection can be given to the persons who are in occupation of the premises, even if their ownership is under dispute, provided they furnish indemnity bond and pay necessary fee, etc. Hence, the learned counsel prayed to consider the claim of the petitioner.

4. The learned counsel appearing for the fourth respondent stoutly refuted the averments so made by the petitioner. According to him, the fourth respondent is the sister of the petitioner and she constructed 10 shops out of 20 shops, but, suppressing all these material facts, the Will executed by the father of the petitioner came to be probated in favour of the petitioner.

5. Irrespective of the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the first respondent to consider the application of the petitioner dated 23.03.2018 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner,

fourth respondent as well as other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Junior Engineer,
Operation and Maintenance,
TANGEDCO, Chengam - 606 709,
Thiruvannamalai District, Tamil Nadu.

2.The Assistant Executive Engineer,
TANGEDCO, Chengam - 606 709,
Thiruvannamalai District,
Tamil Nadu.

3.The Superintending Engineer,
TANGEDCO,
Thiruvannamalai Office,
Thiruvannamalai District,
Tamil Nadu.

+1cc to Mr.Gouri, Advocate, S.R.No. 61562

+1cc to Mr.Yokesh, Advocate, S.R.No.62009

+1cc to Mr.Varun Kumar, Advocate, S.R.No. 62403

MG (CO)
GN(01/10/2018)

W.P.No.19011 of 2018

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