

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.8966 of 2017
and W.M.P.No.9875 of 2017

M.Muthuraman

... Petitioner

Vs

1.The Chairman,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer (O&M),
TANGEDCO(South),
Shastri Nagar,
Chennai - 600 090.

3.The Assistant Engineer (O&M),
TANGEDCO (South),
Shastri Nagar,
Chennai - 600 090.

4.E.Veerpathran ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, calling for the records relating to the impugned order of the 3rd Respondent in Lr.No.AE/ODM/ SNR/F.MIS/D.No.30317, dated 04.03.2017 and to quash the same and consequently direct the respondents 2 and 3 to give a new electricity service connection to the portion of the property owned by the petitioner at No.59/67, Raja Srinivasa Nagar, Kuppam Beach Road, Thiruvannamiyur, Chennai - 600 041 without insisting an no-objection certificate from the 4th respondent.

For Petitioner : Mr.T.Gowthaman

For Respondents : Mr.S.K.Rameshwar for R1 to R3
Mr.C.Prabakaran for R4

ORDER

The prayer sought for in this writ petition is to quash the order of the third respondent dated 04.03.2017 and for consequential relief.

2. The case of the petitioner is that he purchased the property measuring to an extent of 264 sq.ft along with the constructed portions in the ground and first floors of the building at No.59/67, Raja Srinivasa Nagar, Kuppam Beach Road, Thiruvannamiyur, Chennai - 600 041, from the fourth respondent, through a registered sale deed dated 25.02.2016. However, the fourth respondent created lot of problems and ultimately disconnected the electricity connection to the petitioner's property. Hence, the petitioner submitted a representation dated 20.02.2017 to the third respondent to provide new electricity service connection to the aforesaid property. On 04.03.2017, the third respondent rejected the claim of the petitioner for want of No Objection Certificate from the fourth respondent.

3. Today, when the matter is taken up for consideration, the third respondent viz., Assistant Engineer (O&M), TANGEDCO (South), Chennai, concerned is present in person. The learned Standing Counsel appearing for the respondents 1 to 3, on instructions, submitted that the petitioner has not submitted the required form for service connection, but, only submitted a letter and hence, his claim was not considered by the respondents. The learned Standing Counsel further submitted that if the petitioner submits an application in a proper format, along with necessary documents, the same would be considered, on merits and in accordance with law, which has been agreed by the learned counsel for the petitioner.

4. Heard the learned counsel appearing for the fourth respondent, who submitted that the petitioner is causing damages to the fourth respondent's property. However, he submitted that in the event of the petitioner being provided with service connection, the right of the fourth respondent may be protected.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the petitioner to submit a proper electricity service connection application form along with necessary documents to the third respondent within a period of two weeks from the date of receipt of a copy of this order. On such submission, the third respondent shall consider the same without insisting No Objection Certificate from the fourth respondent and pass appropriate orders on merits and in accordance with

law. However, it is made clear that the said order is subject to outcome of the civil proceedings if any between the parties. In the event of the petitioner being provided with service connection, he shall not cause any disturbance / damage to the fourth respondent's property or his peaceful possession and enjoyment of the same.

6. With the above terms, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ms
To

1.The Chairman,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer (O&M),
TANGEDCO (South),
Shastri Nagar,
Chennai - 600 090.

3.The Assistant Engineer (O&M),
TANGEDCO (South),
Shastri Nagar,
Chennai - 600 090.

+ 1 cc to Mr. S.K. Rameshuwar, Advocate SR.68639
+ 1 cc to Mr. T. Gowthaman, Advocate Sr.68728
+ 1 cc to Mr. C. Prabakaran, Advocate SR.68509

W.P.No.8966 of 2017
and
W.M.P.No.9875 of 2017

EV(CO)
EU(26/10/2018)