



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 11.12.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24087 of 2018

WEB COPY

R.Raja

..Petitioner

Vs

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Sivagangai,
Sivagangai District.

2.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Poovanthi,
Sivagangai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to give new electricity connection and power supply to the Petitioner's dwelling house situated in S.No.148/1E at Aenathi Village, Sivagangai District based on the petitioner's representation dated 27.09.2018.

For Petitioner :Mr.C.Ganesh Kumar

For Respondents :Mrs.M.Rajeswari

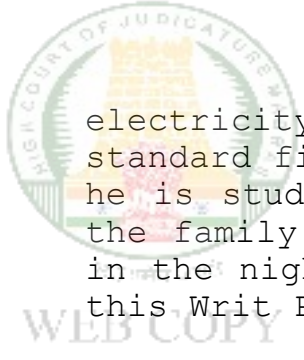
for Mr.S.M.S.Johnny Basha
Standing Counsel for TNEB

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondents to give new electricity connection and power supply to the Petitioner's dwelling house situated in S.No.148/1E at Aenathi Village, Sivagangai District based on the petitioner's representation dated 27.09.2018.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner submits that his grand-father has got two children namely Rajamani, father of the Petitioner herein and Nallu @ Munisamy(brother of the Petitioner's father) and they died long back leaving a property measuring 68 cents in S.No.148/1E at Aenathi Village in Sivagangai District. After the demise of the Petitioner's grand-father/Chitran, the above said two sons have orally partitioned the above said property among themselves equally at 34 cents each and they are enjoying the same. As a grand-son of the above said Chitran, the Petitioner is also entitled for a share in the joint family property and he is also paying house- tax in his name for his dwelling house and the local authorities have also collecting the house- tax from him. The said dwelling house has no



electricity connection and hence his son who is studying in sixth standard finds it very difficult to concentrate on his studies and he is studying only in the street light in the evening. Moreover the family members are still using the kerosene lamps and candles in the night hours and hence the Petitioner has come forward with this Writ Petition for the relief stated supra.

4. When the matter came up for admission on 6.12.2018, Mrs.M.Rajeswari, learned counsel appearing on behalf of Mr.S.M.S.Johnny Basha, learned Standing Counsel for Tamil Nadu Electricity Board, takes notice for the respondents and she was also directed to get instructions regarding the subject matter in question.

5. When this matter is taken up for hearing today, the learned counsel for the respondents would submit that the Petitioner has not approached the authorities with necessary application in the prescribed format and if the application is submitted in the prescribed format, electricity connection will be given to the Petitioner.

6. The reason given by the learned counsel for the respondents cannot be accepted and it is the duty of the respondents to ask the Petitioner to produce the application in the prescribed format, by providing a copy of the same to him. Without doing so, the learned counsel for the respondents submitted before this Court that the Petitioner has not approached the respondents with the application in the prescribed format and this attitude of the learned counsel for the respondents has to be condemned.

7. In these circumstances, the Petitioner is directed to approach the respondents /Officials with an application in the prescribed format as provided by the respondents Office, within a period of one week from the date of receipt of a copy of this order and on receipt of such application from the Petitioner, the respondents/Electricity Board Officials are directed to give electricity connection to the Petitioner's dwelling house situated in the above address within a period of two weeks thereafter. If the respondents/Officials have some doubt about the inheritance of the above said property by the Petitioner, they are directed to obtain an Indemnity Bond from the Petitioner and provide the electricity connection to the Petitioner's dwelling house within the time specified above.

8. With the above directions, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To கனம் உரிமை

WEB COPY

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Sivagangai,
Sivagangai District.

2.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Poovanthi,
Sivagangai District.

• 1 CC TO Mr.C.GANESH KUMAR , ADVOCATE IN SR No. 99851.

•

DS SKN SAR3 14 12 2018 3P 4C

W.P(MD)No.24087 of 2018

11.12.2018