

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.11969 of 2012

V.Gowri

.. Petitioner

-vs-

1.The Assistant Engineer,
Tamilnadu Electricity Board (North),
Chennai Electricity Distribution Circle/
North/Donjetco, R.K.Nagar,
Chennai 600 021.

2.Executive Engineer,
Tamilnadu Electricity Board,
Vysarpadi, Chennai 600 039.

3.M.Viswanathan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records of the first respondent's order dated 12.04.2012 in KA.No./AE/R.K.Nagar/N2/Ko.Special/KA.No.004/12 and quash the same and consequently directing the 1st and 2nd respondent to include the name of all the legal heirs of the late Kuppammal in the electricity consumption card/TNEB connection to No.3A/9A, 3rd Street, Thangavel Pillai Thottam, Korukkupettai, Chennai-21.

For Petitioner : Mr.S.Gunaseelan

For Respondents: Mr.P.R.Dhilipkumar,
Standing Counsel for R1 and R2

No appearance for R3

ORDER

The writ petition has been filed questioning the impugned order dated 12.04.2012 passed in KA.No./AE/R.K.Nagar/N2 / Ko.Special KA.No.004/12 and seeking a direction to respondents 1 and 2 to include the name of all the legal heirs of late Kuppammal in the electricity consumption card/TNEB connection to

No.3A/9A, 3rd Street, Thangavel Pillai Thottam, Korukkupettai, Chennai-21.

2.Learned counsel appearing for the petitioner would submit that the petitioner's mother had been in possession and enjoyment of the property situated at No.3A/9A, 3rd Street, Thangavel Pillai Thottam, Korukkupettai, Chennai-21 for more than 60 years and after her demise, the legal heirs, namely, the petitioner, her two sisters and brother are residing in the above said address and now the petitioner has been paying the electricity consumption charges to the Tamil Nadu Electricity Board.

3.Learned counsel appearing for the petitioner would further submit that an Original Suit in O.S. No.4884 of 2008 was filed by the third respondent before the VI Assistant Judge, City Civil Court, Chennai seeking permanent injunction against the petitioner's mother from interfering with the peaceful possession and enjoyment of the suit property and pursuant to the dismissal of the above O.S. No.4884 of 2008 on 13.02.2015, the third respondent has filed an Appeal Suit in A.S. No.11 of 2017 before the XV Additional Judge, City Civil Court, Chennai, who confirming the order passed in O.S. No.4884 of 2008, dismissed the Appeal filed by the third respondent which shows that the third respondent cannot interfere with the property in question belonging to the petitioner.

4.Since the XV Additional Judge, City Civil Court, Chennai has dismissed the Appeal Suit in A.S. No.11 of 2017 on 25.01.2018 confirming the judgment and decree passed in O.S. No.4884 of 2008 dated 13.02.2015 in favour of the petitioner, it is for the petitioner to approach the respondents by enclosing a copy of the judgment dated 25.01.2018 passed in A.S. No.11 of 2017 and on receipt of the same, the respondents shall consider and pass appropriate orders, on merits and in accordance with law. With the above observation, the writ petition stands disposed of. No costs.

vga

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Assistant Engineer,
Tamilnadu Electricity Board (North),
Chennai Electricity Distribution Circle/
North/Donjetco, R.K.Nagar,
Chennai 600 021.

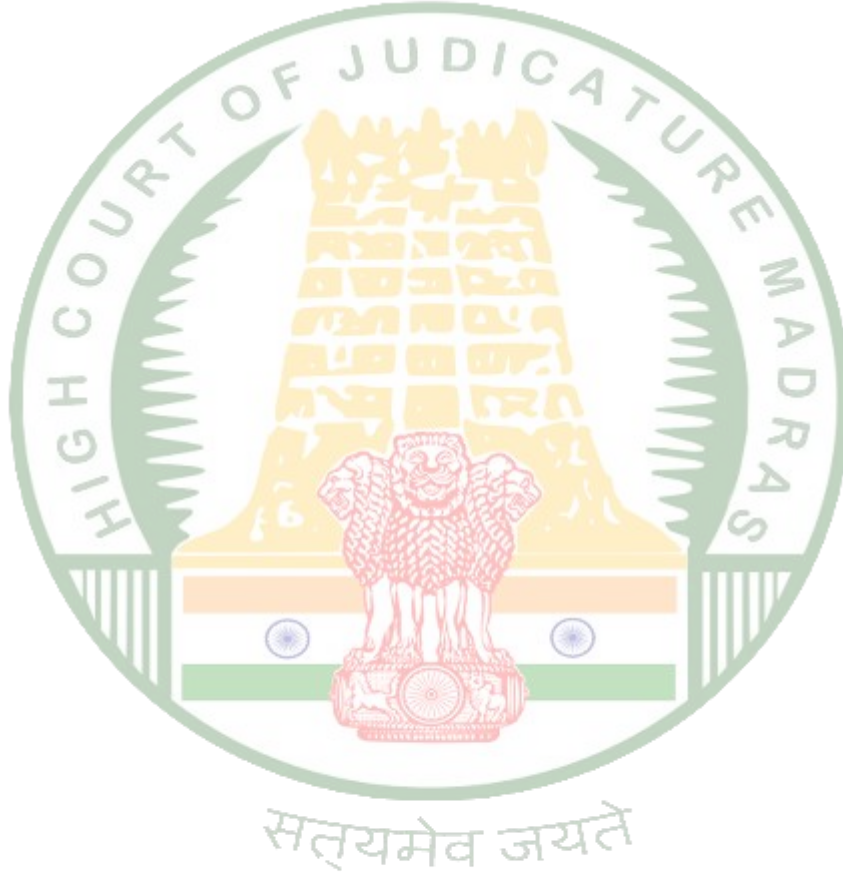
2.The Executive Engineer,
Tamilnadu Electricity Board,
Vysarpadi, Chennai 600 039.

+1cc to Mr.P.R.Dhilip Kumar, Advocate, SR.No.84749

+1cc to Mr.S.Gunaseelan, Advocate, SR.No.84194

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Kak(11/11/2019)



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