

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.1337 of 2019

R.Kavitha Vijayakumar

...Petitioner

Vs

The Asst. Electric Engineer,
TANGEDCO
Tamil Nadu Electricity Board,
Parivakkam, Chennai.

...Respondent

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to consider the representation dated 25.06.2018 made by the petitioner within a reasonable time.

For Petitioner : Mr.S.Varanesh
For Respondent : Mr.S.K.Raameshuwar,
Standing Counsel for EB

ORDER

The relief sought for in the present writ petition is for a direction to consider the representation dated 25.06.2018, made by the writ petitioner, within a reasonable time.

2. The grievances of the writ petitioner is that he being the owner of the premises submitted an application to effect name transfer in the Electricity Service Connection. However, the representation in this regard has not been considered, on the ground that the other legal heirs of the father in law of the writ petitioner raised an objection.

3. The petitioner claims name transfer, based on the settlement deed. It is further contended that one of the legal heir has already given a release deed in favour of the writ petitioner. The learned counsel for the petitioner states that the writ petitioner is entitled for name transfer in the Electricity Service Connection.

4. The learned counsel appearing on behalf of the respondent opposed the contentions by stating that the writ petitioner by way of misrepresentation initially obtained a name transfer of electricity service connection. Soon after the receipt of objections from the other legal heirs of the father in law of the writ petitioner, the Electricity Board cancelled the name transfers and as of now, the electricity service connection stands in the name of the father in law of the writ petitioner

5. It is brought to the notice of this Court that based on the oral partition, the petitioner claims right over the entire property. Oral partition can never confer any right of ownership unless the partition deed is registered in accordance with law. However, it is for the respective parties to resolve the matters in accordance with law.

6. As far as the Electricity Service Connection is concerned, there was objections from the other legal heirs of the father in law of the writ petitioners and therefore, the actions initiated by the respondents are in accordance with law and there is no infirmity.

7. The writ petitioner can submit an application, after resolving the disputes between the legal heirs of the father in law of the writ petitioner. It is brought to the notice of this Court that Civil Suits are also pending in this regard. Thus, the writ petition deserves no further consideration, and the writ petitioner is at liberty to submit an application after resolving all the issues, in respect ownership of the premises wherein the petitioner resides. Accordingly, the present writ petition stands dismissed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmm/ska

To
The Asst. Electric Engineer,
TANGEDCO, Tamil Nadu Electricity Board,
Parivakkam, Chennai.

+lcc to Mr.S.K.Raameshuwar,, Advocate, S.R.No.6986

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RSI (Co)
CS/07/03/2019