

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.15863 of 2013
and M.P. Nos.1 and 2 of 2013

S.Suryakala

.. Petitioner

-vs-

1.The Tamil Nadu Electricity Board,
rep. by its Chairman and
Managing Director,
Anna Salai, Chennai.

2.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Kovalam-603 113,
Kancheepuram District.

3.Muruvammal

4.Parasuraman

.. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records relating of the 2nd respondent herein in reference K.U.Mi.Po./E.Pa./Kovalam/Ko.Thani/No.228/10 dated 31.12.2010 and quash the same and direct the second respondent herein to forthwith grant electricity service connection to the petitioner's premises at in Survey No.56/3B, No.35, Kanathur Reddikuppam Village, Thiruporur Panchayat Union limits, Chengalpet Taluk, Kancheepuram District.

For Petitioner:: Mr.M.Karthick Lakshmanan
for AL.Ganthimathi

For Respondents:: Mr.S.K.Raameshuwar,
Standing Counsel
for R1 and R2

No appearance for R3

R4-Disd.vide order dated 15.12.2014

ORDER

The writ petition has been filed challenging the impugned reference K.U.Mi.Po./E.Pa./Kovalam/Ko.Thani/No.228/10 dated 31.12.2010 and seeking a direction to the second respondent herein to forthwith grant electricity service connection to the petitioner's premises situated at No.35, Kanathur Reddikuppam Village, Thiruporur Panchayat Union limits, Chengalpet Taluk, Kancheepuram District.

2.Learned counsel appearing for the petitioner would submit that when the petitioner has been in possession and enjoyment of the property in question by paying necessary property tax for their living and the property has also been assessed for property tax in the name of the petitioner by the Village Panchayat under Assessment No.944, due to some hindrances given by respondents 3 and 4, a suit in O.S. No.253 of 2010 was filed by the petitioner on the file of the District Munsif, Chengalpet for permanent injunction against respondents 3 and 4. In the meanwhile, the Assistant Executive Engineer, Tamil Nadu Electricity Board, the second respondent herein has filed a report stating that the petitioner has paid all the necessary charges for providing service connection and she has also executed indemnity bond as per the order passed by this Court on 13.06.2013, but, the third respondent has been raising objection to effect the service connection to the petitioner and has prevented the work physically with her family members and consequently, a complaint was lodged before the Sub Inspector of Police, Kanathur Police Station.

3.Learned counsel appearing for the petitioner would further submit that as the second respondent is ready to provide service connection along with police protection, if ordered, in view of the pendency of the suit as mentioned above, a direction may be issued to the second respondent to proceed with the work to effect the service connection to the petitioner subject to the result of the suit and the parties will abide by the judgment of the Civil Court.

4.It is seen from records that the writ petition was dismissed as against the fourth respondent on 15.12.2014. No one represented on behalf of the third respondent and no counter affidavit has been filed by her.

5. Therefore, I find some merits on the submission made by the learned counsel appearing for the petitioner. The reason being that when the petitioner has paid all necessary charges for effecting service connection and has also executed indemnity bond as per the order passed by this Court in M.P. No.1 of 2013 and W.P. No.15863 of 2013, the third respondent cannot raise objection for providing service connection to the petitioner, in view of the pendency of the suit. Therefore, this Court hereby directs the second respondent to provide service connection to the petitioner within a period of two weeks from the date of receipt of a copy of this order, accepting the indemnity bond executed by her as it does not confer any title or ownership of the land in question. The Inspector of Police, Kanathur Police Station is also directed to give police protection to the petitioner, while the petitioner approaching the second respondent for giving service connection. With the above directions, the writ petition stands disposed of. Consequently, connected M.Ps are closed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vga
To

1.The Tamil Nadu Electricity Board,
rep. by its Chairman and
Managing Director,
Anna Salai, Chennai.

2.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Kovalam-603 113,
Kacheepuram District.

3.The Inspector of Police
Kanathur Police Station
Kancheepuram District

+1 cc to Mr.A.L.Gandhimathi Advocate sr89452
+1 cc to Mr.S.K.Rameshuwar Advocate sr89415

W.P. No.15863 of 2013
and M.P. Nos.1 and 2 of 2013

vba (co)
aa03/12/2019



WEB COPY