

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5248 of 2019

1. Deivayanai
2. B.Kalyani
3. S.Engovar
4. Dhanasekar
5. Chitra
6. S.Suriya
7. Chennammal
8. R.Perumal
9. K.Periyasamy
- 10.Arjuna

... Petitioners

Vs.

- 1.The Assistant Engineer
Office of the Assistant Engineer
Tamil Nadu Electricity Board (TANGEDCO)
Lakshmipuram Division
Chennai-600 099.
(TANGEDCO)
- 2.The Joint Commissioner, HR & CE
Hindu Religious and Charitable Endowment Board
Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.
- 3.The Executive Officer
Arulmigu Sri Somanathaswamy Thirukoil
Kolathur, Chennai-600 099.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to provide electricity connection for the residence of the petitioners located in Survey Numbers 69/6 and 69/1, Subash Nagar Extension, Sri Malaikuravalli Street, Buthagaram, Kolathur, Chennai-600 099.

For Petitioners: Mr.S.Sai Shankar

For Respondents : Mr.P.R.Dhilip Kumar
standing counsel for R1
Mr.M.Maharaja
Special Government Pleader
for R2 & R3

O R D E R

Mr.P.R.Dhilip Kumar, learned standing counsel takes notice for the first respondent and Mr.M.Maharaja, learned Special Government Pleader takes notice for the second & third respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioners seek for a mandamus directing the first respondent to provide electricity connection for their residence located in Survey Numbers 69/6 and 69/1, Subash Nagar Extension, Sri Malaikuravalli Street, Buthagaram, Kolathur, Chennai-600 099.

3. The grievance of the petitioners is that the first respondent is not providing the electricity connection, based on the objections filed by the second respondent.

4. Mr.M.Maharaja, learned Special Government Pleader appearing for the second & third respondents, based on instructions, submitted that already an execution proceedings to evict the petitioners and other tenants have been filed and the same is pending against the petitioners and therefore, the present relief need not be granted to the petitioners.

5. On the other hand, the learned counsel for the petitioners submitted that so long as the petitioners are residing in the property, they are entitled to have the basic amenity viz., the electricity connection and therefore, the petitioners are agreeable, if the electricity connection is given even in the name of the third respondent.

6. Considering the above stated facts and circumstances and the submissions made by the learned counsel appearing for the respective parties, this Court is of the view that there will not be no impediment for the first respondent for providing the electricity supply to the petition mentioned premises, pending eviction proceedings, if the service connection is given in the name of the third respondent. Needless to say that the order passed in this writ petition cannot be taken advantage by the petitioners in any manner in the other proceedings pending

against them filed by the second & third respondents. Thus, this writ petition is disposed of, only with a direction to the first respondent to provide the electricity connection for the petition mentioned premises in the name of the third respondent, after collecting necessary charges from the petitioners. Such exercise shall be done by the first respondent within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Assistant Engineer
Office of the Assistant Engineer
Tamil Nadu Electricity Board (TANGEDCO)
Lakshmipuram Division, Chennai-600 099.
- 2.The Joint Commissioner, HR & CE
Hindu Religious and Charitable Endowment Board
Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.
- 3.The Executive Officer
Arulmigu Sri Somanathaswamy Thirukoil
Kolathur, Chennai-600 099.

+2cc to Mr.S.Sai Shankar,Advocate sr.18405
+1cc to Mr.P.R.Dhilipkumar, Advocate Sr.18102
+1cc to the Government Pleader sr.18986

W.P.No.5248 of 2019

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