

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.8540 of 2011

E. Narashimalu

...Petitioner

-Vs-

1. The Chairman

Tamil Nadu Electricity Board,
No.800, Annasalai,
Chennai - 600 002.

2. The Junior Engineer,

Tamil Nadu Electricity Board,
K.G.Kandigai,
Tiruvallur District.

3.Thiru. E. Munusamy Naidu

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing 1st and 2nd respondents to consider the petitioner's application dated 28.02.2011 and thereby direct the respondents 1 and 2 to provide domestic service connection to the petitioner's property situated at 3/548, Bajanai Koil Street, B. Madurapuram, Ammaneri Post, Pallipattu Taluk, Thiruvallur District.

For Petitioner : Mr. P.A. Chithramani

For Respondent 1 & 2 : Mr. S.K. Rameshwar
(For TNEB)

For Respondent 3 : Mr. G. Jeremiah

ORDER

The writ petition has been filed to direct the respondents 1 and 2 to consider the petitioner's application dated 28.02.2011 and thereby direct the respondents 1 and 2 to provide domestic service connection to the petitioner's property situated at 3/548, Bajanai Koil Street, B. Madurapuram, Ammaneri Post, Pallipattu Taluk, Thiruvallur District.

2. The learned counsel for the petitioner would submit that the petitioner has submitted an application dated 28.02.2011 before the second respondent seeking domestic service connection in the aforesaid premises which is in absolute possession and enjoyment of the petitioner. However, as the third respondent who is the brother of the petitioner, raised objection against providing domestic service connection to the schedule mentioned property, the second respondent did not consider the petitioner's application. Hence, this writ petition is filed by the petitioner to direct the second respondent accordingly.

3. According to the second respondent, in the schedule mentioned property, domestic service connection bearing service No.53, Tariff 1a, Kondapuram Distribution was already effected in the name of the third respondent. While so, the petitioner has submitted an application before the TANGEDCO(TNEB) seeking for domestic service connection in the afore-mentioned property. In this connection, the rules does not permit to effect more than one service connection in the same premises. Hence, the writ petition is not maintainable.

4. It is found from the aforesaid statement that the domestic service connection in the schedule mentioned property was already effected in the name of the third respondent. Hence, the petitioner is not entitled for service connection to the aforesaid property.

5. Considering the aforesaid fact that the domestic service connection was effected in the name of the third respondent for his residence. But, the petitioner seeks for the separate service connection in his name for his residence in his property. Considering the same, the second respondent is directed to consider the petitioner's application dated 28.02.2011 for providing the domestic service connection to the petitioner's premises on merits and in accordance with law as expeditiously as possible preferably, within a period of twelve weeks.

6. In the result, the writ petition is accordingly disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

lbm

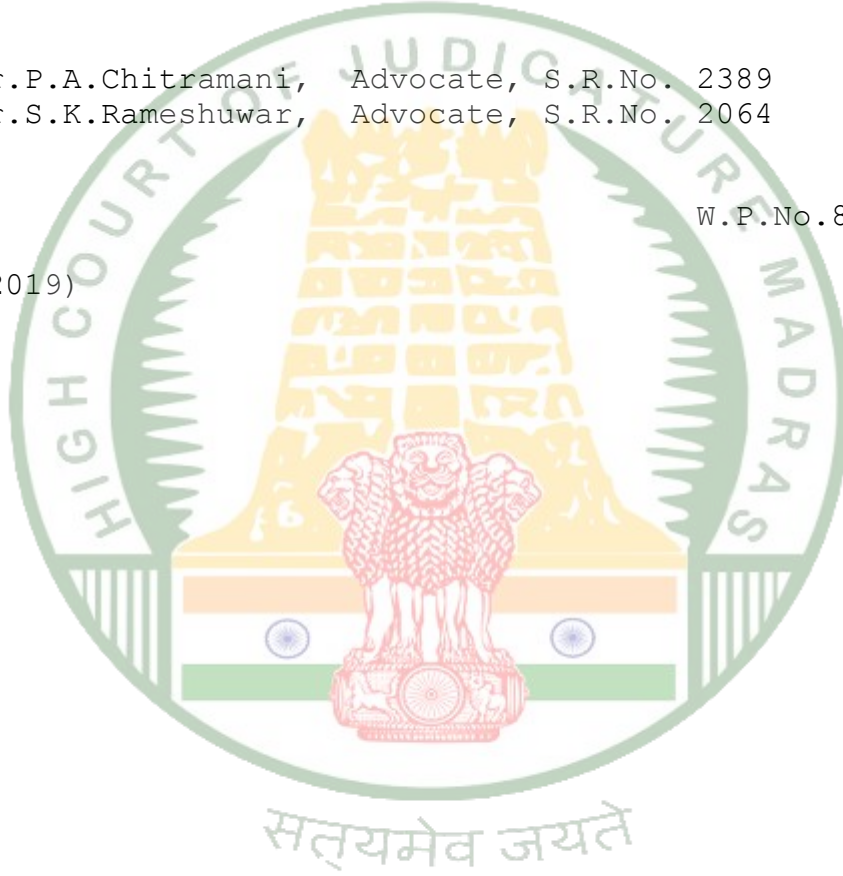
Copy to:

1. The Chairman
Tamil Nadu Electricity Board,
No.800, Annasalai, Chennai - 600 002.
2. The Junior Engineer,
Tamil Nadu Electricity Board,
K.G.Kandigai, Tiruvallur District.

+1cc to Mr.P.A.Chitramani, Advocate, S.R.No. 2389
+1cc to Mr.S.K.Rameshuwar, Advocate, S.R.No. 2064

W.P.No.8540 of 2011

GN(18/02/2019)



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