

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6389 of 2019

Minor S.Snehaa

rep. by mother and Guardian

K.Savitha

.. Petitioner

-vs-

1.The Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation,
(TANGEDCO),
Chennai Power Distribution Circle,
Egmore, Chennai.

2.The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation,
(TANGEDCO), Seven Wells Division,
Chennai Power Distribution Circle,
No.23, Malaiyappan Street,
Chennai-600 001.

3.K.Deenadayal

.. Respondents

(the third respondent impleaded vide order 12.04.2019
in W.M.P. No.10644 of 2019 in W.P. No.6389 of 2019)

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in KA/U.PO/Yezhlu Kinaru/E PA/KP.Thani/P.No.159/18, (f/vz; c/bgh-VG fpzW-mg-nfgpjdp-v/vz;/159-18 ehs; 02.04.2018) dated 02.04.2018 and quash the same and direct the second respondent to give necessary transfer with regards to electricity service connection No.758 in respect of ground and first floor, forthwith petitioner Transfer Application dated 26.03.2018.

For Petitioner:: Mr.K.Shivakumar

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

No appearance for R3

ORDER

The petitioner has come to this Court challenging the correctness of the impugned order bearing No.KA/U.PO/Yezhlu Kinaru/E PA/KP.Thani/P.No.159/18, (f/vz; c/bgh-VG fpzW-mg-nfgpjdp-v/vz;/159-18 ehs; 02.04.2018) dated 02.04.2018 passed by the Assistant Engineer, Tamil Nadu Generation and Distribution Corporation, the second respondent herein and seeking a direction to him to give necessary transfer with regard to electricity service connection No.758 in respect of ground and first floors.

2.Learned counsel appearing for the petitioner would submit that one Jayanthi and Savitha are sisters, who are married to Sachidhanandam and S.Snehaa is the minor daughter, born to Savitha and Sachidhanandam. However, the first and ground floors in the property situated at Seven Wells, Chennai, belonging to the petitioner and her husband Sachithanandam, has been obtained through one Jayanthi, who is the elder sister of Savitha and first wife of Sachidhanandam, by way of Settlement Deed. However, the said Jayanthi, who is the sister of Savitha, has settled the entire property in the name of her husband Sachidhanandam and thereafter, in the month of February 2018, Sachidhanandam settled the said property in the name of their minor daughter S.Snehaa on the basis of Settlement Deed effected in the name of Sachidhanandam and they have taken necessary steps for transferring the revenue records, water, Electricity supply etc. in favour of the minor daughter. However, the petitioner made necessary transfer application for transfer of electricity service connection in reference with ground and 1st floors which consists of five service connection along with necessary documents and fees before the second respondent. Meanwhile, the second respondent effected transfer to the service connection Nos.109-011-759, 109-011-760 & 109-011-762 and one more service connection No.109-011-969(b) was referred to approach the first respondent, who is the competent authority to transfer the service connection because of commercial service connection. As the electricity service connection in reference to ground and 1st floors which consists of five service connection, stands in the name of Jayanthi, the petitioner moved an application for transfer of the service connection No.109-011-758 along with necessary documents and fees before the second respondent. But the second respondent, without proper appreciation, rejected the same in their letter dated 02.04.2018. Hence, the petitioner is before this Court challenging the same.

3.As it is nothing to do with the third floor and the service connection relating to only ground and first floors, the second respondent has to accept the application and effect the transfer in the name of Shehaa who is the

minor daughter of Savitha and Sachidhanandam. Adding further, learned counsel for the petitioner would submit that the said Jayanthi is the original owner of the property and one Deenadayal, who is the brother of Savitha and Jayanthi, has been occupying the third floor in the property and enjoying the service connection.

4.Detailed counter affidavit has been filed by the second respondent. Learned Standing Counsel appearing for respondents 1 and 2 submitted that the service connection No.109-011-758 pertaining to third floor, was being used by Deenadayal, who is the owner of the third floor, has submitted documents for proof of ownership, Corporation Tax Receipt, CMWSSB Receipt and registered Settlement Deed and White Meter Card of using service connection No.109-11-758. Therefore, the request of the petitioner for effecting transfer in the name of minor daughter Snehaa cannot be acceptable.

5.At this stage, learned counsel appearing for the petitioner would submit that the White Meter Card is being issued in the name of Jayanthi, who has settled the entire property in the name of Sachidhanandam, who in turn, settled the entire property in the name of minor S.Snehaa. According to the learned counsel for the petitioner, Deenadayal, who is the brother of Jayanthi and Savitha, the occupier in the third floor, ought not to have obtained any service connection. Even if Deenadayal, for the sake of argument, obtained any service connection in the third floor in his name that has to be construed only as invalid because the petitioner, as the owner of the property, has not given any consent at any point of time. He would further submit that though notice has been issued to Deenadayal, the third respondent herein, he has not come to this Court to raise any objection to allow the petition. Therefore, the prayer in the writ petition seeking direction to the second respondent to effect transfer of electricity service connection deserves to be allowed.

6.I also find merits on the submission. The reason is that when Deenadayal, who has been occupying the third floor, has been issued with notice, has not chosen to enter appearance. Secondly, Deenadayal is the only occupier of the third floor, whereas the request made by the petitioner is to effect transfer of electricity service connection in respect of ground and first floors. Since the learned counsel appearing for the petitioner repeatedly submitted that effecting transfer of electricity service connection in the name of minor is related only to the ground and first floors and nothing to do with the third floor, moreover, the entire property has been settled by Jayanthi in the name of Sachidhanandam, who in turn, settled the entire property in the name of his minor daughter S.Snehaa.

The above said Deenadayal is only an occupier of the third floor and therefore, there cannot be any valid objection for transfer of the electricity service connection No.109-11-758 in the ground and first floors.

7. Accordingly, the writ petition stands disposed of. The second respondent is directed to give necessary transfer with regard to electricity service connection No.758 in respect of ground and first floors within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/--

Assistant Registrar (CS iii)

//True Copy//

Sub Assistant Registrar

vga
To

1. The Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation,
(TANGEDCO),
Chennai Power Distribution Circle,
Egmore, Chennai.

2. The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation,
(TANGEDCO), Seven Wells Division,
Chennai Power Distribution Circle,
No.23, Malaiyappan Street,
Chennai-600 001.

+1cc to Mr.K.Shivakumar , Advocate SR.No. 36665

+1cc to Mr.P.R.Dhilip Kumar , Advocate SR.No. 36651

W.P.No.6389 of 2019

A.SK(16/04/2019)

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