

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.9789 and 9790 of 2012

Tmt.M.Tamilselvi .. Petitioner in W.P.No.9789/12

Tmt.Chandra .. Petitioner in W.P.No.9790/12

-Vs-

1.The Junior Engineer (O&M),
Tamil Nadu Electricity Board,
Kumbinipettai, Arakkonam Taluk,
Vellore District.

2.M.Subramani ... Respondents in both WPs

(R2 impleaded as per order dated 20.04.12
made in MP.2/12 (in both) in WP.9789
& 9790/202.

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the entire records relating to the impugned orders passed by the respondent in his proceedings Nos.263&264/JE/O&M/Kumbinipettai/Va.Aa / KO/Spl/11-12, dated 28.03.2012, respectively, and quash the same and consequently direct the respondent to give electricity service connection to the petitioners' house in S.No.360/2 in Thanigaipolur Village, Arakkonam Taluk, Vellore District.

For petitioner : Mr.C.Prakasam

For R1 : Mr.M.Varun Kumar,
Standing Counsel

For R2 : No Appearance

COMMON ORDER

Challenging the impugned proceedings dated 28.03.2012 of the first respondent/Junior Engineer, TNEB, Kumbinipettai Village, Vellore District, the petitioners

have filed these writ petition seeking to quash the same with a further direction to the first respondent to effect the electricity service connection in the house property belonging to them.

2. Learned counsel for the petitioners submitted that the land in S.No.360/2, Thanigaipolur Village, was purchased by the petitioners' father in the year 2008 and thereafter, their father executed a Will in their favour in the year 2008 by way of a registered Will bearing Document No.49/2008. Subsequently, they have also constructed a house in the said Survey Number and after the completion of construction work, they have made an application before the first respondent seeking electricity service connection, enclosing a copy of the Will, legal heir certificate and death certificate. However, the first respondent had orally insisted them to produce the ownership certificate obtained from the Village Administrative Officer. Subsequently, when they approached the VAO requesting ownership certificate, the said VAO refused to issue the same, since their names were not found place in Chitta and Adangal produced by them.

3. Learned standing counsel appearing for the first respondent, by filing a counter affidavit, submitted that since the latest revenue records stand in the name of one Vijayakumar, son of Chalapathy, the first respondent, vide impugned proceedings dated 28.03.2012, directed the petitioners to produce the ownership certificate obtained from the Tahsildar, house tax receipt, 'A' Register and Chitta. But, till date, the petitioners have not produced any one of the required documents for grant of electricity service connection as required under the Board Rules and therefore, the request of the petitioners to effect the electricity service connection could not be considered by the first respondent.

4. This Court is unable to agree with the above said submission, for, the certificate dated 22.12.2011 issued by the Village Administrative Officer, Thanigaipolur Village, Arakkonam Taluk, shows that the petitioners have been living in the subject property for more than 20 years. To prove the ownership, they have also filed a copy of the latest house tax receipts for the year 2011-2012 in the typed set of papers, which find place the names of the petitioners. Besides, they have also produced a copy of the Registered Will dated 05.08.2008 executed in their favour by their father. Therefore, in view of those documents produced by the petitioners, this Court finds no impediment to accept their prayer seeking electricity service connection.

5. Accordingly, the first respondent is hereby directed to effect the electricity service connection in the subject property belonging to the petitioners on execution of a bond contemplated under Clause 27(4) of the Tamil Nadu Electricity Distribution Code, 2004. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. With these directions, the writ petitions stand disposed of. No Costs.

rkm

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Junior Engineer (O&M),
Tamil Nadu Electricity Board,
Kumbinipettai, Arakkonam Taluk,
Vellore District.

+2cc to Mr.C.Prakasam, Advocate, SR.No.78716 & 78717

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Kak(17/10/2019)

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