

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8691 of 2019

P.S.Sivakumar

.. Petitioner

-vs-

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai 600 002.

2.The Assistant Engineer (TANGEDCO),
Tamil Nadu Electricity Board,
Nandanam, Chennai-600 035.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent herein to provide independent service connection to the first floor of the premises bearing Door No.5, Ganeshapuram 1st Street, Teynampet, Chennai-600 018 based on the petitioner's application dated 20.02.2019.

For Petitioner:: Mr.M.Balasubramanian

For Respondents:: Mr.P.R.Dhilip Kumar,
Standing Counsel

ORDER

Mr.P.S.Sivakumar, the petitioner herein, claiming to be co-owner of the property in question on the basis of the Settlement Deed dated 27.09.1990 registered in the name of the petitioner, has come to this Court seeking mandamus directing the Assistant Engineer (TANGEDCO), Tamil Nadu Electricity Board, Nandanam, Chennai, the second respondent herein to provide independent service connection to the first floor of the premises bearing Door No.5, Ganeshapuram 1st Street, Teynampet, Chennai-600 018 based on his application dated 20.02.2019.

2.Learned counsel appearing for the petitioner would submit that the petitioner's father K.P.Sankaran has acquired

the property by virtue of registered Settlement Deed dated 27.09.1990. After his father died intestate at Chennai on 09.12.2006, his mother Sulochana also died intestate at Chennai on 09.12.2013 leaving behind five daughters and two sons, namely, five sisters and one brother of the petitioner. However, three sisters, brother and the petitioner are occupying the ground floor, second floor and the first floor respectively, based on the oral partition taken place between themselves. In this regard, the petitioner has given an application seeking separate electricity service connection on 20.02.2019, which has also been acknowledged by the respondents on 26.02.2019. Even after receipt of his application seeking independent service connection to his premises bearing Door No.5, Ganeshapuram 1st Street, Teynampet, Chennai-600 018, they are unnecessarily asking for No Objection Certificate from the co-owners. According to the learned counsel appearing for the petitioner, the petitioner has no objection in providing independent electricity service connection to his sisters and brother to their respective premises. Therefore, without insisting upon the No Objection Certificate from the petitioner's sisters and brother and accepting indemnity bond from the petitioner, as per Clause 27(4) of the Tamil Nadu Electricity Distribution Code, the second respondent be directed to provide independent electricity service connection to the first floor of the petitioner.

3.Counter affidavit has been filed by the Assistant Engineer (TANGEDCO), Tamil Nadu Electricity Board, Chennai, the second respondent herein. Learned Standing Counsel appearing for the respondents would submit that when the petitioner gave his representation on 20.02.2019, the same has not been received since it has been sent to the wrong postal address. After receipt of notice from the petitioner in the present petition, the respondents inspected the petitioner's premises, in which, it was found that the above said property was a joint property and the Tax Receipt stands in the name of seven persons, namely, Vijayalakshmi, Sivakumar, Anandavalli, Sumathi, Umamageshwar, Maha Mageshwari and Senthilkumar. According to the learned Standing Counsel, as the above six persons are ready and willing to get service connection in their names, the petitioner has been objecting to get the service connection jointly, but he is interested to get the same separately. He would further submit that if the petitioner comes forward to execute a indemnity bond and undertaking as required under Clause 27(4) of the Tamil Nadu Electricity Distribution Code and produce all other relevant documents with payment of usual charges, independent service connection to the first floor of the premises of the petitioner would be provided within a reasonable time without insisting upon the No objection certificate from the co-owners.

4. Accepting the submission made by both learned counsel, this Court hereby directs the petitioner to execute an indemnity bond and undertaking as required under Clause 27(4) of the Tamil Nadu Electricity Distribution Code and produce all other relevant documents within a period of two weeks from the date of receipt of a copy of this order. If the petitioner comes forward with all other relevant documents, on payment of necessary charges, the respondents are directed to provide independent service connection to the premises of the petitioner by obtaining the indemnity bond and undertaking as required under clause 27(4) of the Tamil Nadu Electricity Distribution Code within a period of two weeks thereafter.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai 600 002.

2. The Assistant Engineer (TANGEDCO),
Tamil Nadu Electricity Board,
Nandanam, Chennai-600 035

+1cc to Mr. M. Balasubramanian, Advocate, S.R.No. 35159
+1cc to Mr. P. R. Dilip Kumar, Advocate, S.R.No. 35565

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