

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.23014 of 2018 and

W.M.P. No.26911 of 2018

M.Rajkumar

.. Petitioner

-vs-

1. The Executive Engineer,
Tamil Nadu Electricity Board,
Thiruvannamiyur Division,
Thiruvannamiyur,
Chennai 600 041.
2. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Thiruvannamiyur Division,
Thiruvannamiyur, Chennai 600 041.
3. Rajashree
4. Padmini Priyadarshini
5. Bajaj Properties Developers (P) Ltd.,
rep. by its Director Rajesh S.Bajaj

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents 1 and 2 to receive the application for reconnection or new connection and give electricity connection/supply to the premises situated at Plot No.18, Canal Road, Thiruvannamiyur, Chennai 600 041.

For Petitioner :: Mr.S.Sundaresan

For Respondents :: Mr.S.K.Rameshwar
Standing Counsel for R1 and R2

No appearance for R3 to R5

ORDER

The petitioner has come to this Court seeking a direction to the respondents 1 and 2 to receive the application for reconnection or new connection and give electricity connection/supply to the premises situated at Plot No.18, Canal Road, Thiruvanniyur, Chennai 600 041.

2. According to the learned counsel for the petitioner, the above said property was purchased from and out of the income of the joint family and also the contribution from the petitioner and his father in the year 1987 and the electricity connection and water connection are standing in the name of his father. Learned counsel appearing for the petitioner would submit that the petitioner's father died intestate on 07.12.2005 due to his old age and illness at Apollo Hospital, Chennai. He would also submit that the third respondent, who is the sister of the petitioner, has fabricated a registered Will in her daughter's name, namely the fourth respondent and she has filed a O.P. to probate the fraudulent Will, which was converted as T.O.S. No.70 of 2013 and the same is pending along with the Partition Suit in C.S. No.894 of 2006. However, the petitioner has filed a Suit for partition in C.S. No.894 of 2006, which is pending adjudication by this Court. While so, the respondents 1 and 2 have not come forward to receive the application either for reconnection or new connection to the said premises. Therefore, the learned counsel prays for the above direction.

3. Though notice has been served, no representation on behalf of respondents 3 to 5.

4. By placing on record a letter dated 20.02.2019 addressed by the Assistant Executive Engineer, the second respondent herein, learned Standing Counsel appearing for respondents 1 and 2 would submit that the petitioner's service connection was disconnected on 29.07.2015 on account of non payment of current consumption charges and after disconnection of the supply, the same consumer requested to reconnect the service connection after the lapse of two years. As per TNERC rules, if the service connection is disconnected for more than two years, the account of service connection should be closed. While so, at the time of closing the account, the due amount of Rs.620/- has been adjusted in the security deposit and the balance amount of Rs.18,599/- is kept in the name of the consumer. Therefore, the petitioner has to submit an application for new service connection along with valid ownership documents and the same would be considered as per TNERC Rules and regulations.

5. Since there is a dispute with regard to the land and the Civil Suits filed by the petitioner and the third respondent are

pending, this Court hereby directs the petitioner to execute a bond, within a period of one week from the date of receipt of a copy of this order and on receipt of execution of bond, the respondents 1 and 2 shall provide electricity service connection to the petitioner as per TNERC Rules and regulations within a period of one week thereafter. Accordingly, the writ petition is disposed of. Consequently, connected W.M.P. is closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1. The Executive Engineer,
Tamil Nadu Electricity Board,
Thiruvanniyur Division,
Thiruvanniyur, Chennai 600 041.
2. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Thiruvanniyur Division,
Thiruvanniyur, Chennai 600 041.

+lcc to Mr.S.Sundaresan, Advocate, S.R.No.15903
+lcc to Mr.S.K.Rameshwar, Advocate, S.R.No.16092

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CS/25/02/2019

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