

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.23457 of 2018

A.Anandan

.. Petitioner

-vs-

1.The Assistant Engineer, (O&M)
Tamil Nadu Electricity Board,
Kallavi, Uthangarai Taluk,
Krishnagiri District.

2.Nagaraj

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records of the first respondent passed in Letter No.Vu.Po/O & M/ Kal/Ko.kattu/No. /18 dated nil quash the same and consequentially direct the first respondent to issue the electricity connection to the petitioner's residence in Survey No.6/1A, Ranganoor Village hamlet of Anandur Village, Uthangarai Taluk.

For Petitioner :: Mr.P.Krishnan

For Respondents:: Mr.M.Varunkumar,
Standing Counsel for
TNEB for R1
No appearance for R2

ORDER

The petitioner has come to this Court challenging the correctness of the impugned letter bearing No.Vu.Po/O & M/ Kal/Ko. kattu/No. /18 dated nil issued by the first respondent herein and seeking a direction to the first respondent to issue electricity connection to his residence in Survey No.6/1A, situated at Ranganoor Village hamlet of Anandur Village, Uthangarai Taluk.

2.Learned counsel appearing for the petitioner would submit that the petitioner has purchased an extent of 10.5 cents in Survey No.6/1 situated at Anandur Village, Uthangarai Taluk from

the second respondent and two others by a registered deed of sale dated 10.12.2014 bearing Document No.3074/2014 on the file of the Sub Registrar Office, Pochampalli. According to the learned counsel appearing for the petitioner, from the date of purchase, the petitioner has been in possession and enjoyment of the property and the Tahsildar, Uthangarai Taluk has issued patta bearing No.1050 in the name of the petitioner in Survey No.6/1B having an extent of 4.25 ares. However, the petitioner has constructed a house in the said property and submitted an application dated 13.04.2018 to the first respondent to issue electricity connection to his residence and the first respondent directed the petitioner to remit an amount of Rs.1,600/- towards the meter caution deposit, CC deposit, development charges, service connection charges and application register fees and the same was remitted by the petitioner on the same day itself. Upon receipt of the said payment, the first respondent erected two electricity poles in Survey No.6/1A to 6/1B. In spite of erection of two poles, since the first respondent has been delaying to issue service connection, the petitioner sent a representation dated 04.08.2018 to the first respondent. However, the second respondent had sent a legal notice dated 11.08.2018 to the first respondent as well as to the petitioner objecting to issue electricity connection on the ground that he is having 1/6th share in the Survey No.6/1A.

3. According to the learned counsel appearing for the petitioner, the petitioner, his mother and three others are the joint owners in the above Survey No.6/1A along with the second respondent, who was born to his mother namely Nagammal through her first husband Gopal. Learned counsel appearing for the petitioner would submit that on receipt of the said legal notice from the second respondent, the first respondent issued the above impugned letter dated nil 2018 informing the petitioner to get consent from the second respondent to issue electricity connection since the second respondent has been objecting to provide electricity connection to the petitioner. Challenging the same, the petitioner is before this Court.

4. A perusal of the sale deed clearly shows that the petitioner has become owner of the land having an extent of 10.5 cents in Survey No.6/1 and even the Computer patta No.1050 issued by the Tahsildar shows that the petitioner is the owner of the land in respect of Survey No.6/1B. Patta issued by the Tahsildar in respect of the land covered in Survey No.6/1A is concerned, the petitioner, second respondent and their mother Nagammal are the joint owners. Therefore, the petitioner sent a representation seeking electricity service connection in respect of the land in Survey No.6/1A. As the land covered in Survey No.6/1b exclusively belongs to the petitioner, this Court finds no impediment to direct the first respondent to give electricity

service connection. As the petitioner has become owner of the above land which has been purchased by the petitioner from the second respondent by virtue of registered sale deed dated 10.12.2014, the first respondent cannot refuse to give electricity connection stating any lame excuse on the basis of the frivolous complaint given by the second respondent.

5.Despite service of notice, the second respondent has not chosen to appear before this Court and he has refused to receive the said notice. Therefore, the objection raised by the second respondent for giving electricity service connection in respect of the property owned by the petitioner is hereby overruled. Accordingly, the first respondent is hereby directed to provide electricity service connection to the petitioner's residence, on payment of usual charges, within a period of two weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition stands disposed of. No costs.

vga

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Assistant Engineer, (O&M)
Tamil Nadu Electricity Board,
Kallavi, Uthangarai Taluk,
Krishnagiri District.

+lcc to Mr.M.Varun Kumar, Advocate, vide SR.No.37454

+lcc to Mr.P.Krishnan, Advocate, SR.No.36722

W.P.No.23457 of 2018

Kak(28/05/2019)

WEB COPY