

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.28026 of 2019
and
W.M.P.No.27645 of 2019

M.Balakrishnan

.. Petitioner

/versus/

1.The Chairman-cum-Managing Director,
TANGEDCO,
144, Anna Salai,
Chennai 600 002.

2.The Superintending Engineer,
Chennai Electricity Distribution Circle/West,
110/33/11 KVSS, Thirumangalam,
100 Feet Road, Anna Nagar,
Chennai 600 040.

3.The Executive Engineer,
Chennai Electricity Distribution Circle/West,
Ambattur Industrial Estate,
1st Cross Street, Ambattur Industrial Estate,
Chennai 600 058.

4.The Assistant Executive Engineer,
Chennai Electricity Distribution Circle/West,
Ambattur Asst.Executive Engineer Office,
Ambattur, Chennai 600 053.

5.The Assistant Engineer,
Chennai Electricity Distribution Circle/West,
T.V.Nagar Section,
Ambattur, Chennai 600 053.

6.Mr.N.Krishnan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 1 to 5 herein to effect name transfer pursuant to the Electricity L.T.Service connections viz., 1) 435-212-220(Three Phase) and 2)435-212-223(Single Phase) provided for common use

to "Swathi Apartments" situate at No.11/26, C.R.M.Street, Varadharajapuram, Ambattur, Chennai 600 053, existing in the name of Mr.Senthil Kumar to any other individual's name without consent of 14 Flat owners of the Apartments and not to sanction any additional new service connection in the name of the 6th respondent.

For Petitioner :Mr.R.G.Annamalai
For Respondents:Mr.P.R.Dhilip Kumar, st.c
for R1 to R5

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage.

2.Heard Mr.R.G.Annamalai, learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned Standing Counsel, who takes notice on behalf of respondents 1 to 5. Perused the affidavit.

3. The prayer in the writ petition is to issue a Writ of Mandamus forbearing the respondents 1 to 5 herein to effect name transfer pursuant to the Electricity L.T.Service connections viz., 1) 435-212-220(Three Phase) and 2)435-212-223 (Single Phase) provided for common use to "Swathi Apartments" situate at No.11/26, C.R.M.Street, Varadharajapuram, Ambattur, Chennai 600 053, existing in the name of Mr.Senthil Kumar to any other individual's name without consent of 14 Flat owners of the Apartments and not to sanction any additional new service connection in the name of the 6th respondent.

4. The case of the petitioner is that he is one of the flat owners in Swathi Apartments at 11/26, C.R.M.Street, Varadharajapuram, Ambattur, Chennai 600 053. He has purchased the flat in the name of his wife and he is residing in the flat.

5. According to the petitioner, the common electrical service connection presently stands in the name of one Senthilkumar who is the promoter of the apartment. It is alleged in the affidavit that there is some misappropriation of the common fund collected from the flat owners by one Krishnan, who is the 6th respondent and he is now trying to change the service connection in his name from the name of the promoter Senthilkumar. According to the petitioner, without the consent of the other flat owners, the respondents 1 to 5 should not effect name transfer of the said service connection.

6. The learned standing counsel appearing for the respondents 1 to 5 would submit that due to some internal misunderstandings between the petitioner and the 6th respondent, the present writ petition is filed. At the time of construction of the apartment, single phase connection was obtained by the promoter Senthilkumar and till now, the service connection stands in his name. If at all the flat owners of the association makes request to the promoter to change the consumer's name of the said service connection to the name of the association, only then, the request will be considered, otherwise the apprehension of the petitioner herein is unfounded.

7. On considering the averments made in the affidavit as well as the submissions made by the learned standing counsel appearing for respondents 1 to 5, this Court finds that the petitioner has no basis to file this writ petition with an imaginary apprehension of name transfer. The flat owners and the promoter have to take joint call regarding the transferring of service connection to the flat owners association. Till then, respondents 1 to 5 have no role and the Court cannot presume the real dispute between the petitioner and the 6th respondent and issue Mandamus. Hence, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To:

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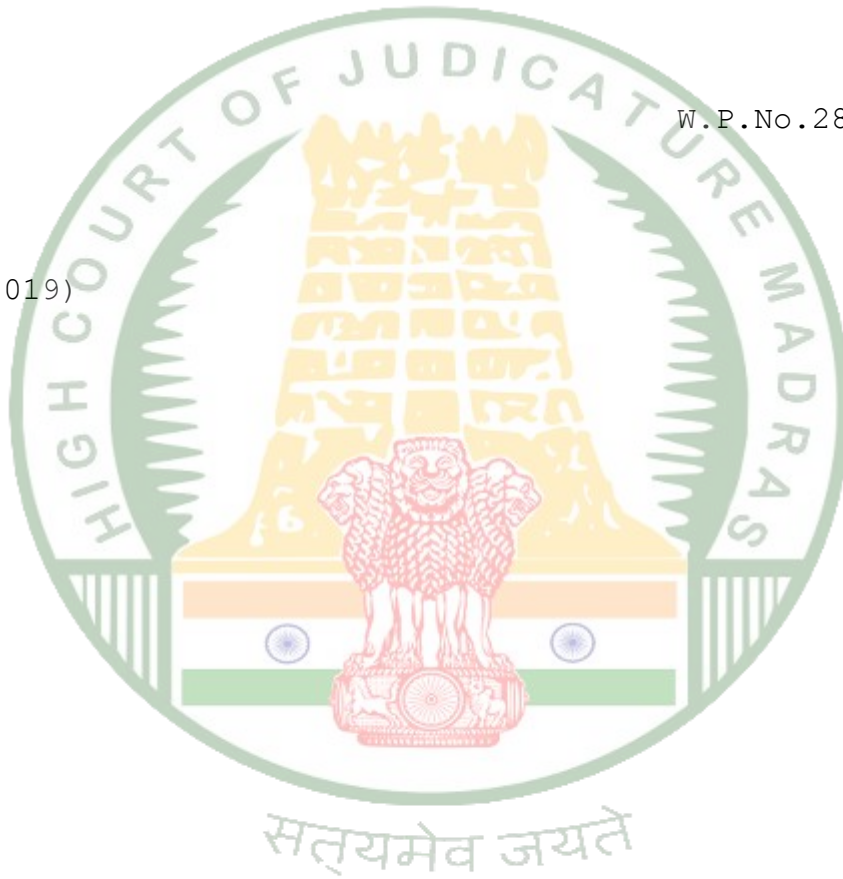
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+1 CC to Mr. Dilip Kumar, Advocate sr 81366
+1 CC to Mr.Annamalai, Advocate sr 81402.

W.P.No.28026 of 2018

MG (CO)
SP (31/10/2019)



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