

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.15618 of 2020

V.Valliammal

...Petitioner

Vs.

The Asst. Engineer (O and M)
Town I Thiruthani
Tamil Nadu Generation
Distribution Corporation Ltd
Thiruthani Taluk
Thiruvallur District 631 209.

...Respondent

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to provide new Electricity Service Connection and grant Electricity Service Connection to the premises bearing Field Survey No. 393/13 Arakonam Road, Valliammapuram Village, Saraswathy Nagar Post, Thiruthani Taluk, Thiruvallur District 631 211.

For Petitioner : Mr.G.Parthasarathy
For Respondent : Mr.P.Gunaraj
Standing counsel

सत्यमेव जयते
ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondent to provide electricity service connection in the name of the petitioner with respect to the subject property, based on the application submitted by the petitioner on 09.10.2019.

2. The case of the petitioner is that her husband was the absolute owner of the subject property and he executed a registered settlement deed in favour of the petitioner on 31.12.2015. The further case of the petitioner is that a third party, who had absolutely no right over the subject property,

was attempting to interfere with the possession and enjoyment of the property and hence, the husband of the petitioner had given a complaint and had sought for police protection and this Court by an order dated 04.04.2019 made in Crl.O.P.No.9079 of 2019 directed the police to provide adequate police protection. The petitioner submitted an application to the respondent on 09.10.2019 requesting for service connection in her name. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

3. The respondent has filed a counter affidavit in this case. The relevant portions in the counter affidavit is extracted hereunder:-

"3. I respectfully submit that on 20.09.2019 one Mrs.R.Alamelu, W/o. Rajendran residing at Thiruthani to Arakonam Road, Valliammapuram Village, Thiruthani Taluk, Thiruvallur District had given an objection not to give Service Connection in favour of the Petitioner's husband namely P.Vadivelu. Further the above said R.Alamelu had stated that "Cases in O.S. No.1032 of 1987 on the file the Subordinate Court at Thiruthani and another suit is also pending before the Hon'ble High Court (without mention the case number) and also submitted a Computer Patta relating to the Survery No.393/13 stands in the name of Mr.Mannar Naicker, S/o Lakshmana Naicker, Chitta, Death Certificate of Mr. Mannar Naicker, Legal Heirs Certificate of Mr.Mannar Naicker, Death Certificate of Chellammal and Legal Heirs Certificate of Chellammal, Tax receipt and along with the said objection.

4. I further submit that on 09.10.2019, the petitioner namely V.Valliammal had given Service Connection Application for the Residential purpose along with the Documents (i.e.), Registered Settlement Deed, Xerox Copy of Order in Crl. OP No.9079 of 2019 to the respondent and after receipt of the same, I have inspected the said premises on 10.10.2019 and in the mean time, the petitioner was given an application as per the RTI Act regarding the Service Connection Application details. I further submit that I had given detailed reply to the petitioner herein and again the petitioner had given an Appeal Petition to the Superintending Engineer/KEDC/TANGEDCO, Kancheepuram and the same is pending. I further submit that on 04.02.2020, I had sent a letter to the petitioner herein to produce the Proof of the ownership from the Tashildar,

Thiruthani Taluk, Thiruvallur District and the revenue record, but the petitioner had not given any Certificate from the Tashildar.

5. I further submit that in view of the dispute between the Petitioner and Mrs.Alamelu, the above said Mrs.Alamelu is the necessary party in the above writ petition and hence, the Board is ready and willing to obey any order or direction passed by this Hon'ble Court."

4. Heard Mr.G.Parthasarathy, learned counsel for the petitioner and Mr.P.Gunaraj, learned standing counsel for the respondent.

5. In the considered view of this Court, the petitioner is tracing her right through a registered settlement deed executed in her favour by her husband on 31.12.2015. There was some interference caused by some third parties, which resulted in filing a police complaint and this Court had also directed the police to provide sufficient protection to the petitioner. Even according to the counter affidavit filed by the respondent, the patta with respect to the subject property stands in the name of one Mannar Naicker. According to the petitioner, he was the original owner of the property and her husband derived the right over the property only from him.

6. The only reason given by the respondent for not considering the application submitted by the petitioner is that an objection has been made by one Mrs.Alamelu and she has also filed Civil Suits against the petitioner.

7. The respondent is directed to call the petitioner for an enquiry and satisfy himself with regard to the ownership and possession of the subject property. On being satisfied, the respondent shall proceed to consider the application given by the petitioner seeking for LT Service Connection in her name. This process shall be completed by the respondent within a period of four weeks from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mra

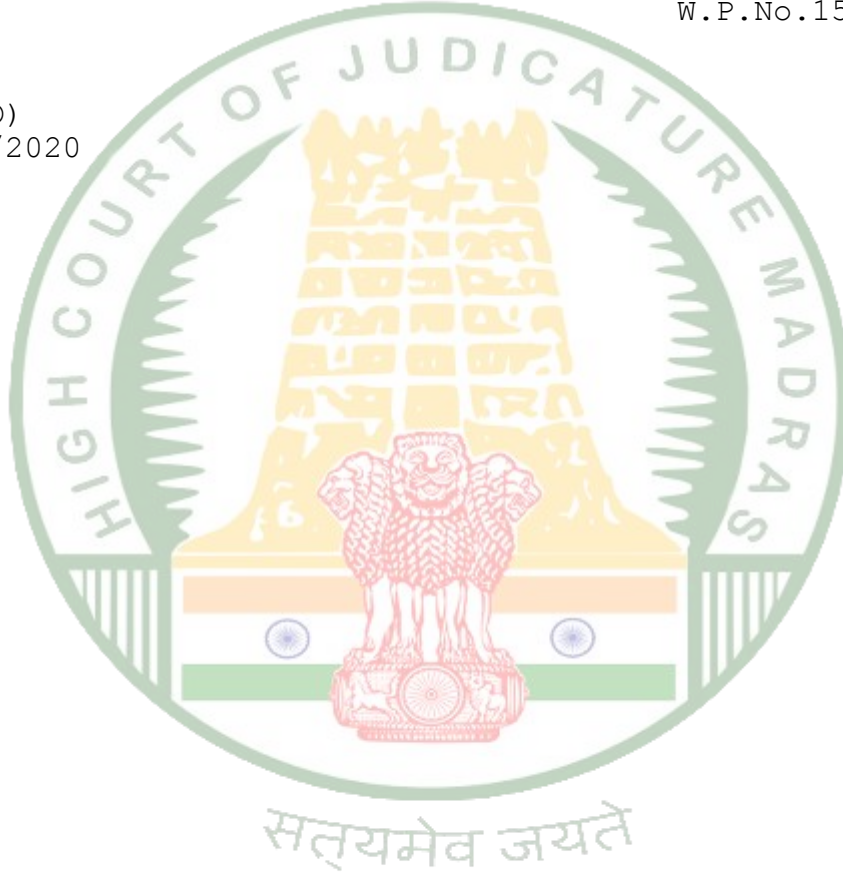
To

The Asst. Engineer (O and M)
Town I Thiruthani
Tamil Nadu Generation
Distribution Corporation Ltd
Thiruthani Taluk
Thiruvallur District 631 209.

+2cc to M/s.G.Parthasarathy, Advocate, SR.No.37141

W.P.No.15618 of 2020

VSN II (CO)
KKV/30/11/2020



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