

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.09.2020

CORAM

THE HONOURABLE THIRU JUSTICE N.ANAND VENKATESH

W.P.No.12120 of 2020

P.Jayakumar

..Petitioner

versus

1. The Tamil Nadu State Electricity Board,
Rep by its Chairman,
10th Floor, N.P.K.K.R.Maligai,
No.144, Anna Salai, Chennai 600 002.

2. The Assistant Engineer,
Tamil Nadu Electricity Board,
No.2/12, 1st Cross Perumal Koil Street,
Korattur Railway Station, Agraharam,
Chennai 600 076.

..Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent to provide electricity connection (domestic purpose) to the petitioner's residence viz., New No.9, Old No.38, Perumal Koil Street, Agraharam, Korattur, Chennai 600 076, based on his application dated 23.12.2019.

For Petitioner : Mr.S.Illamvaludhi

For Respondents : Mr.N.Damodharan

ORDER

On the consent given by either side, the main writ petition itself has been taken up for final hearing.

2. This writ petition has been filed for the issuance of writ of mandamus directing the second respondent to provide electricity connection to the residence of the the petitioner based on the application submitted by the petitioner on 23.12.2019.

3. The case of the petitioner is that the property originally belonged to the father of the petitioner and he has executed a will in favour of the petitioner through a registered document dated 04.04.1991. The further case of the petitioner is that there is subsequently no dispute with regard to the right over the property and none of the other legal heirs are questioning the right of the petitioner over the property, since it has been bequeathed in his favour by way of a registered will. The petitioner has taken steps to get the letter of registration by filing an appropriate application before the Principal District Judge, Thiruvallur and the same is pending. The petitioner claims that he obtained necessary permission and he has put up a building in the subject property. Thereafter, he approached the second respondent by submitting an application on 23.12.2019 and sought for electricity connection. The second respondent seems to have kept the application pending on the ground that there is a pending proceeding before the Court. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and Mr.N.Damodharan, learned counsel appearing for the respondents.

5. It is seen from the records that the petitioner has filed an application before the Principal District Judge, Thiruvallur, seeking for granting of probate for the will executed in his favour by his father on 04.04.1991. Apart from this, there does not seem to be any other dispute between the petitioner and other legal heirs. The petitioner has constructed a building in the place where he got the right through the will executed by his father. Therefore, the second respondent must only be satisfied that the petitioner is in occupation of the property and that the other legal heirs have no objections in granting the service connection in favour of the petitioner. Once this is satisfied, the second respondent cannot have any other objection to provide for electricity connection to the subject property in accordance with law.

6. In view of the above discussion, there shall be a direction to the second respondent to consider the application submitted by the petitioner on 23.12.2019 and deal with the same in line with the observations made by this Court and take a decision with regard to providing electricity connection to the petitioner strictly in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
The Tamil Nadu State Electricity Board,
10th Floor, N.P.K.K.R.Maligai,
No.144, Anna Salai, Chennai 600 002.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
No.2/12, 1st Cross Perumal Koil Street,
Korattur Railway Station, Agraharam,
Chennai 600 076.

+1cc to Mr.S.Ilamvaluthi, Advocate, S.R.No.29306

W.P.No.12120 of 2020

VG-II (CO)
RV(06/11/2020)

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