

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.32375 of 2017

M.Ramadevi

.. Petitioner

-vs-

- 1.The Chairman,
Tamil Nadu Electricity Board,
N.P.K.R.R.Maaligai,
Electricity Avenue,
New No.144, Anna Salai,
Chennai-600 002.
- 2.The Senior Engineer,
No.110, KVSS Complex,
Anna Main Road, K.K.Nagar,
Chennai-600 078.
- 3.The Assistant Executive Engineer,
Office of the Assistant Engineer/
O & M, Mudichur TNEB,
Mudichur Panchayat Office Complex,
Mudichur, Chennai-600 048.
- 4.The Assistant Engineer,
O & M Assistant Engineers Office,
No.24, Sundharammal Street,
Chrompet, Lakshmipuram,
Nagelkeni, Chennai-600 044.

5.Mrs.Saraswathi,
W/o.K.Mani

6.Mrs.T.Gowri,
W/o.Thangaraj

7.Mrs.P.Rani @ Raniammal,
W/o.A.Palaiyam,

.. Respondents
[R7 - Impleaded as per order dated 06.03.2018
in W.M.P.No.38056 of 2017 in W.P.No.32375 of 2017]

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus directing the

respondents 1 to 4 herein to effect electricity connection to the petitioner's house, as per the representation dated 30.10.2017, already pending before the electricity department.

For Petitioner : Mr.V.Ramana Reddy

For Respondents : RR1 to 4 - Mr.P.Gunaraj,
Standing Counsel

ORDER

Heard Mr.V.Ramana Reddy, learned counsel for the petitioner and Mr.P.Gunaraj, learned Standing Counsel for respondents 1 to 4.

2.The private respondents have not entered appearance through counsel.

3.The prayer sought for by the petitioner is to grant electricity service connection to her house by considering her representation dated 30.10.2017. An objection has been raised by the seventh respondent, who is the mother of the fifth and sixth respondents, stating that she has settled the property in favour of the fifth and sixth respondents and the petitioner has no right over the property.

4.The petitioner's case is that erroneously under the UDR Scheme, patta was obtained by the seventh respondent without disclosing the full facts and that the petitioner is also co-owner. The petitioner's husband had filed a suit for partition in O.S.No.215 of 2017, which is now pending before the Sub Court, Tambaram. After the demise of the plaintiff, the petitioner has been brought on record as the plaintiff in the suit.

5.Considering the fact that the matter is now pending before the Civil Court and also the fact that electricity is one of the basic amenities, no prejudice would be caused to respondents 5 to 7, if electricity connection is directed to be granted subject to the outcome of the civil suit without affecting the rights of respondents 5 to 7.

6.In the light of the above, the petitioner is directed to execute an indemnity bond in favour of the respondent-Electricity Board in the appropriate form and upon such execution, the third and fourth respondents shall grant electricity service connection to the petitioner's house. It is made clear that merely because the petitioner secures

electricity connection to her house based on this direction, it can in no manner improve her case before the Civil Court, nor it will prejudice the case of respondents 5 to 7, who are defendants in the said suit and the parties shall contest the matter before the Civil Court independently based on oral and documentary evidence without relying on or referring to the electricity service connection, which has been directed to be granted in favour of the petitioner. The above direction shall be complied with by the third and fourth respondents within a period of eight weeks from the date on which the petitioner files appropriate application along with the indemnity bond and also remits the required fees.

7. With the above observation and direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman, Tamil Nadu Electricity Board,
N.P.K.R.R. Maaligai, Electricity Avenue,
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2. The Senior Engineer, No. 110, KVSS Complex,
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No. 24, Sundharammal Street, Chrompet, Lakshmipuram,
Nagelkeni, Chennai-600 044.

+1cc to Mr. P. Gunaraj, Advocate Sr. No. 3324

+1cc to Mr. V. Ramana Reddy, Advocate Sr. No. 2950

AKM/27.02.2020 /3P-7C/

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