

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 4/2/2021

C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.2294 of 2021

a n d

W.M.P.No.2591 of 2021

Nasrullah Khan

... Petitioner

Vs

1.The Executive Engineer
Operation & Maintenance
ICF, Chennai North
TANGEDCO
Chennai.

2.The Assistant Engineer
Operation & Maintenance
ICF, Chennai North
TANGEDCO
Chennai.

3.Rahmathullah Khan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records in Letter No.AE/O&M/ICF/Zone No.184/2021 dated 19/1/2021 on the file of the second respondent and quash the same and to direct the second respondent to grant electricity service connection to the petitioner in his property, viz., property measuring 600 sq.feet out of 2928 sq.ft with measurement of 21 feet and 9" on the north to south and 27 feet and 7" on the east to west comprised in Old S.No.363 New Survey No.363/8 New Dr.Ambedkar Street,, Pazhaya Othavaadai Street, Konnur Perambur Pursai Taluk, Chennai District, as per his application.

For petitioner ... Mr.R.Raja Rajan

For respondents ... Mr.P.R.Dhilip Kumar
for R.R.1 and 2.

O R D E R

This writ petition is filed against the order, dated 19/1/2021, passed by the second respondent, rejecting the request of electricity service connection to the petitioner.

2. The case of the petitioner is that even though the property dispute has already been settled by way of a partition deed, dated 20/3/2020, the third respondent, who is none other than the brother of the petitioner, is also claiming right over the property, where the petitioner is seeking for an electricity service connection. The respondents 1 and 2, based on the objections received by the third respondent Rahmathullah has passed this impugned order. The petitioner had made this petition for service connection only for the portions which he is enjoying and to ascertain on what ground the third respondent is raising the objections.

3. Mr.P.R.Dilip Kumar, learned Standing Counsel for the TANGEDCO, respondents 1 and 2 submit that based on the objection raised by the third respondent, intimation has been given and it is not a rejection and they are intending to conduct an enquiry and notice would be issued in the due course.

4. In view of the submissions made by the learned counsel appearing for the Electricity Board that it is not a rejection in toto and they are intending to verify on what basis objections have been raised, this Court is inclined to set aside the impugned order passed by the second respondent.

5. Accordingly, this writ petition is allowed. Order passed by the second respondent, in AE/O&M/ICF/Zone Z/184/2021, dated 19/1/2021, is set aside. Respondents 1 and 2 are directed to conduct an enquiry with regard to the objection raised by the third respondent and to take a decision, on merits and in accordance with law, as expeditiously as possible. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs.

To:

1.The Executive Engineer,
Operation of Maintenance,
I.C.F.Chennai North TANDEDCO, Chennai.

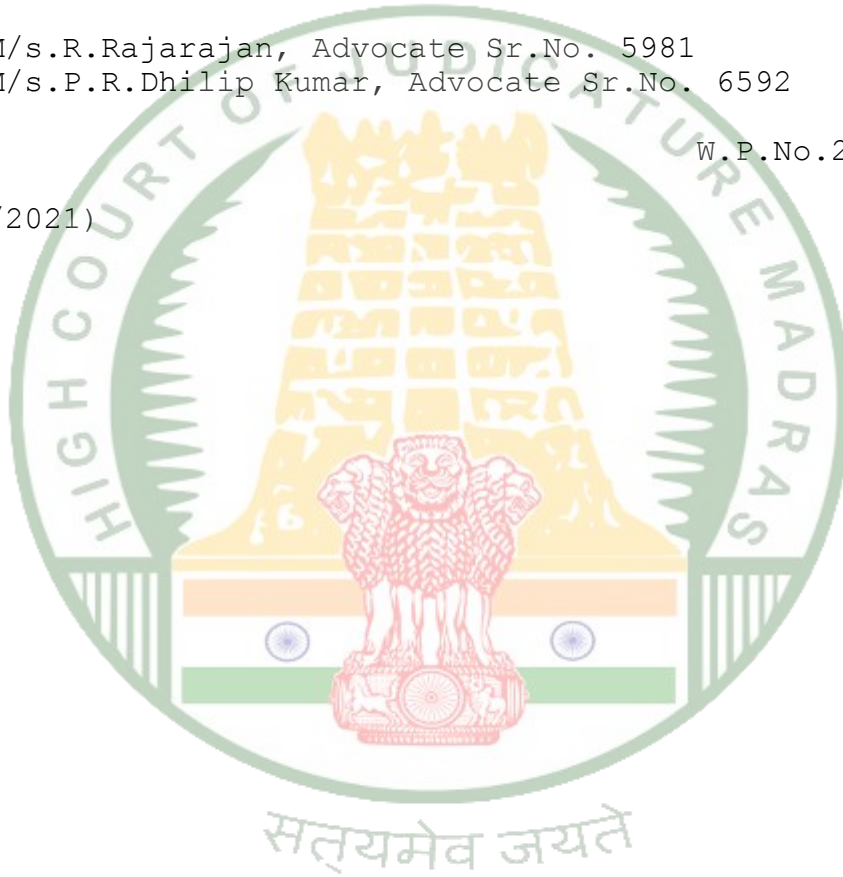
2.The Assistant Engineer,
Operation & Maintenance
I.C.F.Chennai North TANDEDCO, Chennai.

+1 cc to M/s.R.Rajarajan, Advocate Sr.No. 5981

+1 cc to M/s.P.R.Dhilip Kumar, Advocate Sr.No. 6592

W.P.No.2294 of 2021

AK(CO)
RMP(01/03/2021)



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