



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.4746 OF 2019

AND

W.M.P.NO.5378 OF 2019

C.Venkatesh

... Petitioner

.Vs.

1. The Chairman,
TANGEDCO, Mount Road,
Chennai - 600 002.
2. The Assistant Engineer,
TANGEDCO,
CEDC Central, Santhome Section,
Old No.21, Santhome High Road,
Mylapore, Chennai - 600 004.
3. C.V.Rajan
General Power of Attorney of
C.Kasthuri Rangan

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus To call for the records of the order in Ka.No/U.Po/E and P/Santhome/F.New Electricity Connection/2183/2018 dated 26.11.2018 issued by the respondent No.2 and quash the same and also direct the 2nd respondent, The Assistant Engineer, TANGEDCO, CEDC, Central Santhome, Section Old No.21, Santhome High Road, Mylopore, Chennai - 600 004, to provide new electricity service connection one three phase service and another commercial line to the petitioners premises at bearing door No.20/11, Kesavaperumal, Sannathi Street, Mylapore, Chennai - 600004.

For Petitioner : Mr.A.Balasingh Ramanujam

For R1 and R2 : Mr.L.Jaivenkatesh,
Standing Counsel



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the order in Ka.No/U.Po/E and P/Santhome/F.New Electricity Connection/2183/2018 dated 26.11.2018 issued by the respondent No.2 and quash the same and also direct the 2nd respondent, The Assistant Engineer, TANGEDCO, CEDC, Central Santhome, Section Old No. 21, Santhome High Road, Mylopore, Chennai - 600004, to provide new electricity service connection one three phase service and another commercial line to the petitioners premises at bearing door No.20/11, Kesavaperumal, Sannathi Street, Mylapore, Chennai - 600004.

2. In view of the limited relief sought for in this petition, on the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner and his brother are the joint owners of the house property bearing door No.20/11, Kesavaperumal Sannathi Street, Mylapore, Chennai 600 004, admeasuring an extent of 1355 sq.ft, having acquired the title from the release given by the other co-owners by a Release Deed dated 03.12.2005. The petitioner and his brother are the absolute owner of the property having 50% undivided share over the property and he was permitted to occupy the first floor apart from 150 sq.ft in the ground floor and whereas the 3rd respondent is permitted to occupy in the ground floor of the property and the petitioner and his brother were in possession without disturbing each other eversince from the date of purchase of the property. In the year 2015, due to Vardha Cyclone, the front portion of the wall had felt down on its own without any causalities and in order to protect his family, the petitioner had erected the wall on his own cost, for which, with an ulterior motive, the 3rd respondent had filed series of litigation against the petitioner, as if he had violated the building norms and constructed the building and also given a false complaint before the Corporation of Chennai, who had issued demolition notice to the petitioner. Hence, he filed an appeal before the Secretary Housing and Urban Development Department, Secretariat under Section 80-A of the Town and Country Planning Act, 1971 and the same is still pending. While such being the position, the petitioner made an application to get the new service connection, to the 2nd respondent, requesting to provide one three phase connection. The petitioner's representation was duly received by the 2nd respondent on 22.11.2018. After receipt of the representation, the 2nd respondent gave a reply stating that the petitioner has to



obtain no objection letter from the 3rd respondent, to enable them to consider his application. However, the 3rd respondent in order to wreck vengeance, refused to give no objection to the petitioner. Since the application for new service connection was not considered positively by the respondents, the petitioner has filed the present petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court permits the petitioner to file an appropriate application to rectify the defects pointed out by the 2nd respondent in his reply dated 26.11.2018 and the same may be considered within a reasonable time as may be fixed by this Court.

5. The learned Government Advocate has no objection for said order being passed.

6. Taking into consideration the fact that the petitioner on his own volition submitted that he will obtain the No objection and produce the same along with the fresh application which may be directed to be considered in accordance with law, this Court on the aforesaid undertaking, sets aside the impugned order and directs the 2nd respondent to receive the No Objection Certificate and fresh application and decide on the same as per the Tamil Nadu Electricity Supply Code, without in any way being influenced by its earlier orders and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order, in terms of the Tamil Nadu Electricity Supply Code.

7. This writ petition is accordingly disposed of with the above terms. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sk

To

1. The Chairman,
TANGEDCO, Mount Road,
Chennai - 600 002.



2. The Assistant Engineer,
TANGEDCO, CEDC Central,
Santhome Section,
Old No.21, Santhome High Road,
Mylapore, Chennai - 600 004.

WEB COPY

+1cc to Mr.A.Balasingh Ramanujam, Advocate, S.R.No.63265
+2ccs to Mr.L.Jaivenkatesh, Advocate, S.R.Nos.63404 & 63406

W.P.NO.4746 OF 2019

CP (CO)
PBS/05/01/2022