



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 16381 of 2021

K.Sundari

...Petitioner

Vs.

1. The Divisional Engineer,
Operation & Maintenance
Tamil Nadu Electricity Generation and Distribution
Corporation Limited,
Ambattur,
Chennai - 600 053

2. The Assistant Engineer,
Operation & Maintenance (Oragadam Ambattur)
Tamilnadu Electricity Generation and Distribution
Corporation Limited,
Chennai 600 053

...Respondents

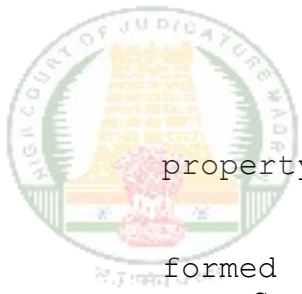
Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the respondent to provide the service connection to Plot No.A, Pasumpon Road in Sub Division Survey No.57/3A1A, Oragadam Village, New Village No.21 and Old Village No.52, Ambattur Taluk, Thiruvallur District under Regulation 27(4) of the Tamil Nadu Electricity Distribution Code, 2004 within a time limit that may be stipulated by this Court.

For Petitioner : Mr.B.K.Girish Neelakantan

For Respondents : Mr.L.JaiVenkatesh
Standing counsel

O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to provide service connection to the plot owned by the petitioner in the subject



property.

2.The case of the petitioner is that the subject property formed part of a larger extent, which was originally owned by one Swaminathan, who developed the property and converted it into plots. One such plot was purchased by Mr.A.Kumar, by a registered sale deed dated 23.11.2007. The petitioner, in turn, has purchased the property from A.Kumar by virtue of a registered sale deed dated 16.09.2015.

3. The petitioner wanted to put up a residential house in the plot and hence, applied for service connection to the second respondent. The grievance of the petitioner is that the second respondent has not provided the service connection based on some objections made by a person, who has no right over the property. Left with no other option, the present writ petition has been filed before this Court.

4.Mr.Jai Venkatesh, learned standing counsel appearing on behalf of the respondents, submitted that the objection was made by one Rajeswari to the effect that she has a right over the property and that civil proceedings are pending in A.S.No.61/2011 and therefore, based on this objection, the second respondent did not proceed to process the application submitted by the petitioner.

5. The learned counsel for the petitioner submitted that the petitioner has explained about this objection at Paragraph Nos. 5 to 7 in the affidavit filed in support of the writ petition. The learned counsel submitted that the objection is being made by one Ravikumar, who has also threatened the other plot owners and this person does not have any right over the property. The learned counsel further submitted that when such an attempt was made as against one other plot owner, a suit came to be filed in O.S.No.290/2002 for the relief of permanent injunction and the suit was dismissed by judgment and decree dated 07.02.2011. As against the same, an appeal was filed in A.S.No.61/2011 before the Sub Court, Poonamalee and this appeal was allowed by judgment and decree dated 07.01.2019 and the suit was decreed as prayed for. The learned counsel submitted that the property in question is a vacant land (residential plot) and therefore, the possession will run with the title. If at all anybody claims right over the property, it can only be by way of seeking for declaration of title and it can never be a bare injunction suit.

6. In the considered view of this Court, the petitioner has established a prima facie title over the property. The title is being traced right from the time when the original owner, namely, V.Swaminathan developed the property into plots.



The vendor of the petitioner has purchased the plot in the year 2007 and it has been sold in favour of the petitioner in the year 2015. Therefore, this Court does not find any ground to deprive the petitioner from getting the service connection, if she has satisfied all the other requirements.

7. In view of the above discussion, there shall be a direction to the second respondent to process the application made by the petitioner and grant service connection if all the other requirements are satisfied. This process shall be completed by the second respondent within a period of four weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

RR

To:

1. The Divisional Engineer,
Operation & Maintenance
Tamil Nadu Electricity Generation and Distribution
Corporation Limited,
Ambattur, Chennai.
2. The Assistant Engineer,
Operation & Maintenance (Oragadam Ambattur)
Tamilnadu Electricity Generation and Distribution
Corporation Limited,
Chennai 600 053.

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.40673

+1cc to Mr.B.K.Girish Neelakantan, Advocate, S.R.No.40604

W.P.No. 16381 of 2021

RSV(CO)
SU(02/09/2021)