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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17437 of 2021
and
W.M.P.No.18514 of 2021

R.Uma Maheswari

... Petitioner

-Vs-

1. The Chairman
TANGEDCO, Anna Salai
Chennai 600 002.
2. The Executive Engineer
TANGEDCO, Otteri, Chennai.
3. The Assistant Engineer, O&M
Kilpauk, CEDC/Central/TANGEDCO
Kilpauk, Chennai-10.

4.K.Gopal

... Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 3rd respondents proceedings vide Lr.No.AE / O and M / KPK/F.Doc. / D.No. / 86/ 2021 dated 18.5.2021 and proceedings Lr.No.AE / O and M /KPK / F.Doc./ D.No.101/ 2021 dated 9.6.2021 and quash the same and consequently direct the 3rd respondent herein to provide new electricity 3 phase service connection to the petitioner property situated at Old No.14 New No.06 Madam Second Lane Dr.Alagappa Road Purasaiwakkam chennai-600 089.

For Petitioner : Mr.N.Baaskaran

For Respondents : Mr.L.Jai Venkatesh,
Standing Counsel



O R D E R

This writ petition has been filed challenging the impugned proceedings of the third respondent dated 18.05.2021 and 09.06.2021 and for a consequential direction to the third respondent to provide 3 Phase electricity connection to the petitioner, who claims to be a tenant in the subject property.

2. The case of the petitioner is that, she became a lessee in the subject property in the year 2019 by virtue of a lease deed dated 06.02.2019 executed by one K.Gopal. The petitioner also sought for a separate electricity service connection for which the landlord also gave a No-Objection Certificate on 15.05.2019. Thereafter, the petitioner was pursuing with the Department for the electricity connection and there was no response. The petitioner therefore filed W.P.No.26960 of 2019 before this Court seeking for a direction to the respondents to provide separate electricity service connection. This Court disposed of the writ petition by an order dated 19.11.2019, directing the petitioner to approach the respondents with all necessary documents and the Department was directed to scrutinize the same and grant the connection if the petitioner is so entitled.

3. The petitioner once again made an application along with all the relevant documents. While doing so, the petitioner also gave a No-Objection Certificate given by the fourth respondent.

4. The application submitted by the petitioner was not considered on the ground that the petitioner has not submitted the No-Objection Certificate from the other legal heirs apart from the fourth respondent and that there is a discrepancy in the date of execution of the lease deed and the date found in the stamp paper. Aggrieved by the same, the present writ petition has been filed before this Court.

5. Heard Mr.N.Baaskaran, learned counsel appearing for the petitioner and Mr.L.Jai Venkatesh, learned Standing Counsel appearing for the respondents.

6. The learned Standing Counsel appearing on behalf of TANGEDCO submitted that, the respondents were hesitant to rely upon the lease deed submitted by the petitioner since it was found that the lease deed was executed on 06.05.2021 and whereas the stamp paper was dated 17.05.2021.

7. When the above discrepancy was pointed out to the learned



counsel for the petitioner, he submitted that the petitioner will submit a fresh lease deed before the respondents and the respondents may be directed to consider the same along with the other documents already submitted by the petitioner.

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8. Taking into consideration the facts and circumstances of the case and the submissions made on either side, there shall be a direction to the petitioner to submit a fresh copy of the lease deed to the third respondent and the third respondent is directed to act upon the same and process the application and grant the service connection, if the papers are otherwise in order. This process shall be completed by the third respondent within a period of two weeks from the date of receipt of a copy of the documents from the petitioner.

9. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Chairman
TANGEDCO, Anna Salai
Chennai 600 002.
2. The Executive Engineer
TANGEDCO, Otteri, Chennai.
3. The Assistant Engineer, O&M
Kilpauk, CEDC/Central/TANGEDCO
Kilpauk, Chennai-10.

+1cc to Mr.N.Baaskaran , Advocate, S.R.No.41619

+1cc to Mr.L.Jaivenkatesh , Advocate, S.R.No.41985

W.P.No.17437 of 2021

PMK (CO)
SU(14/09/2021)