

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11.3.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.No.17562 of 2020
and
W.M.P.No.6251 of 2021

Mrs.V.Saroja

Petitioner

vs.

1. The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Pozhichallur, Chennai.

2. Mrs.Ranjitham

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to provide Electricity Service Connection to the petitioner's property bearing Door No.3/245, Bharathiyar Street, Sivasankaran Nagar, Pozhichalur, Chennai 600 074 pursuant to her application dated 5.10.2020 vide Application Registered No.200093111020925 by the consideration of petitioner's representation dated 13.10.2020.

For Petitioner : Mr.S.Arivazhagan

For R1 : Mr.P.Gunaraj, Standing Counsel

ORDER

This is an unfortunate case of a 75 years old widow, who had bequeathed her property in favour of her daughter under a settlement deed.

2. It is the case of the petitioner that she got the property in question by an Assignment Patta and she had gifted the same to her daughter by settlement deed dated 24.3.2010 on an arrangement and understanding that the daughter would take care of the mother viz., the petitioner, however, thereafter, some misunderstanding arose between herself and her daughter and consequent to that, the daughter viz., the second respondent

herein insisted the petitioner to vacate the premises in question and the electricity service connection for the said building got disconnected at the instance and request of the petitioner's daughter to the Electricity Board. The petitioner had moved the Electricity Board for electricity service connection and finding no response from the Electricity Board, the present writ petition has been filed.

3. Heard Mr.S.Arivazhagan, learned counsel appearing for the petitioner and Mr.P.Gunaraj, learned Standing Counsel appearing for the first respondent Electricity Board.

4. Though a notice was sent to the second respondent, daughter of the petitioner, from the records available, it is seen that the notice had returned with the postal endorsement "door locked".

5. Therefore, this court is constrained to proceed with the available materials considering the old age of the petitioner and the genuineness and simplicitor of the claim of the petitioner.

6. Having heard the learned counsel appearing for the petitioner in the light of the materials available on record, this court is of the view that the property in question originally belonged to the petitioner and it was gifted to her daughter with some understanding between the mother and daughter that the daughter would take care of the petitioner being her age old mother, a widow, who had also lost her son and hence left in lurch, however, the present unwanted situation arose only due to some misunderstanding between the petitioner and her daughter, the second respondent herein.

7. It is not in dispute that the property in question belonged to the petitioner and it was gifted by her to her daughter, of course, it is alleged by the petitioner that it was done under some coercion. But, now, the claim of the petitioner is only an electricity service connection as a basic amenity for her survival in the said premises.

8. It further seems that a legal notice has been issued by the second respondent to the petitioner on 29.9.2020 and a cursory reading of the same shows that the second respondent assures whole heartedly to continue to take care of the basic amenities and basic physical needs of her mother as a dutiful daughter and her house is always open to the petitioner.

9. Therefore, this court finds that there cannot be any impediment for the Respondent Electricity Board in giving electricity service connection sought for by the petitioner.

Accordingly, this writ petition is allowed with a direction to the first respondent to give the electricity service connection sought for by the petitioner forthwith. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS I)

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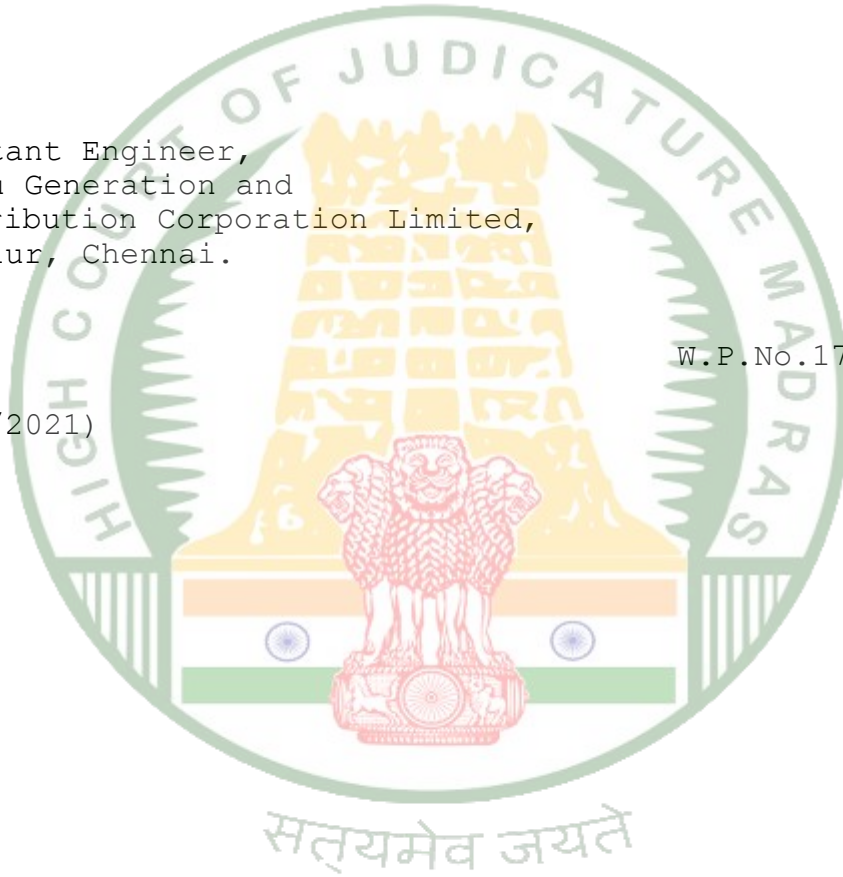
Sub Assistant Registrar

ssk.

To
The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Pozhichallur, Chennai.

W.P.No.17562 of 2020

LN (CO)
RMP (12/03/2021)



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