



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH., J

W.P.No.28236 of 2019 &
W.M.P.Nos.27909 & 27912 of 2021

Haseena Begum

..Petitioner

Vs

1 The Tamil Nadu Electricity Board,
Rep. by its Chairman Anna Salai
Chennai

2 The Assistant Executive Engineer/O and M
Tamil Nadu Electricity Board
TANGEDCO/Royapettah-II Chennai-14

3 A.Mallika Begum

4 A.Benazir

...Respondents

Prayer .: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified Mandamus to call for the records of the impugned order passed by the 2nd respondent ending with Letter No.Vu.Se.Po/E.Pa/Era.Pettai-II Division/ Ko.Ka/A.No.308/19 vide proceedings dated 7/9/19 and quash the same and consequently direct the 2nd respondent to accord power connection as sought vide application dated 24/6/19.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel for R1, R2
Mr.A.M.Esakkiappan
for R3 and R4

O R D E R

This writ petition has been filed challenging the impugned letter of the 2nd respondent dated 07.09.2019, wherein the electricity service connection that was granted in favour of the petitioner stood cancelled and it was also disconnected and the



petitioner was directed to submit the relevant documents establishing her right and possession in the property and thereafter, request for providing service connection.

2. The case of the petitioner is that the subject property was purchased by her uncle Shahul Ameer. He is the elder brother of the father of the petitioner. When Shahul Ameer was settled in Malaysia, it is claimed that the petitioner and her father and other family members were allowed to be in possession and enjoyment of the property. The further case of the petitioner is that her father died on 24.12.1998, leaving behind the mother of the petitioner and her brothers and sisters. It is stated that the mother of the petitioner also died on 27.01.2017.

3. The 3rd respondent married one of the brother of the petitioner named Abdul Bari. She is the sister-in-law of the petitioner and the 4th respondent is the daughter of the 3rd respondent. There was some dispute between the 3rd and 4th respondents and one other brother Abdul Baid and a suit came to be filed in OS No.4658 of 2017, claiming for the relief of permanent injunction. Ultimately, the matter was compromised between the parties and a compromise affidavit was also filed before the Civil Court during January 2021.

4. The petitioner claims that the property tax was assessed in the name of her father and the EB connection stood in the name of the above said Shahul Ameer. The petitioner who claimed to be in possession of the property applied for a separate power connection through an application dated 24.06.2019 and the service connection was given in her name for the ground floor of the property. This was objected by the respondents 3 and 4. The property tax also was subsequently assessed in the name of Shahul Ameer and taking into consideration all these factors, the 2nd respondent issued the impugned letter, cancelling the service connection and disconnecting power supply. Aggrieved by the same, the present writ petition has been filed before this Court.

5. Heard the learned counsel for the petitioner and Mr.L.Jai Venkatesh, learned Standing Counsel for respondents 1 and 2 and Mr.A.M.Esakkappa, learned counsel for respondents 3 and 4.

6. The learned counsel appearing on behalf of the 3rd and 4th respondents has filed typed set of papers. It is seen from the typed set of papers that even though the property was admittedly owned by Shahul Ameer, for some curious reasons, the property tax assessment stood in the name of the father of the petitioner viz., Abdul Rahim. The 3rd respondent sought for information under the RTI Act as to how the property tax assessment stood in the name of a Abdul Rahim. Since the



information was not provided, the 3rd respondent approached this Court and filed WP No.7895 of 2019. During the pendency of the writ petition, the property tax assessment stood restored in the name of Shahul Ameen. Recording the same, the writ petition was closed on 09.07.2020.

7.The specific stand taken by the respondents 3 and 4 is that the petitioner is not in possession and enjoyment of the property and that she was married in the year 1980 itself and she is residing at No.14, Sardar Jung Garden, 3rd Street, Royapettah, 600 014, with her family. To substantiate this submission, overwhelming material has been filed in the typed set of papers. It was based on this objection made by the 3rd respondent, the 2nd respondent proceeded to issue the impugned letter and directed the petitioner to establish her right and possession in the property and make a fresh application seeking for service connection. Obviously, the petitioner had applied for service connection in her name by taking advantage of the fact that the property tax was assessed in the name of her father. Now that the property tax assessment has been restored back in the name of Shahul Ameen, the necessary consequence would be that the petitioner cannot take advantage of the property assessment that stood in the name of her father. In the first place, it is not known on what basis the service connection was given in the name of the petitioner. There is not a single document to show that the petitioner is in possession of the subject property. There are only materials to show that the petitioner is residing elsewhere with her family.

8.In view of the above discussion, this Court does not find any ground to interfere with the impugned letter issued by the 2nd respondent dated 09.09.2019. If the petitioner is claiming any right in the property, she has to establish the same and only thereafter claim for a service connection in her name. This is what the 2nd respondent has also informed the petitioner. In the result, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Tamil Nadu Electricity Board,
Rep. by its Chairman Anna Salai
Chennai

2. The Assistant Executive Engineer/O and M
Tamil Nadu Electricity Board
TANGEDCO/Royapettah-II Chennai-14

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.40108

+2cc to Mr.A.Esakkiappan, Advocate, S.R.No.39944

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.39935

W.P.No.28236 of 2019 &
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PP (CO)
RGA (23/08/2021)