



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM:

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.25596 OF 2017

AND

W.M.P.NO.26988 OF 2017

S.Vasugi

... Petitioner

.Vs.

1. The Chairman,
The Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 02.
2. The Assistant Engineer,
[Operation & Maintenance],
Tamil Nadu Generation & Distribution
Company Ltd.,
Adambakkam, Chennai - 88.

... Respondents

PRAYER:-

This petition has been filed under Section 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the second respondent in LR.NO.AE/JE/O&M/ADM/F.Name Transfer/D.No.1/2015-2016, dated 06.01.2016 effecting name transfer from the petitioner's name with existing current consumption deposit in service connections bearing account no:243-143-03 and quash the same as violative of the statutory provisions of the Electricity Act, 2003 and quash the same as illegal, arbitrary and against the provisions of the Electricity Act, 2003 and the Tamil Nadu Electricity Supply Code, 2004.

For Petitioner : Mr.M.Venkatakrishnan

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel



O R D E R

This writ petition has been filed to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the second respondent in LR.NO.AE/JE/O&M/ADM/F.Name Transfer/D.No.1/2015-2016, dated 06.01.2016 effecting name transfer from the petitioner's name with existing current consumption deposit in service connections bearing account no:243-143-03 and quash the same as violative of the statutory provisions of the Electricity Act, 2003 and consequently, quash the same as illegal, arbitrary and against the provisions of the Electricity Act, 2003 and the Tamil Nadu Electricity Supply Code, 2004.

2. The case of the petitioner is that originally electricity connection was stood in the name of Mr.G.Ramachandran, who was a tenant of the petitioner's premises. Now, the said Ramachandran had vacated the premises and he had also given no objection to transfer the service connection in the name of the petitioner and also issued a notarized letter to that effect. A copy of the representation was also annexed in the typed set of papers along with the writ petition. In spite of the production of no objection letter from the erstwhile tenant, Mr.G.Ramachandran as well as the document relating to the ownership of the premises, the respondents have not taken any steps to effect the transfer of the electricity service connection in the name of the petitioner. Therefore, the petitioner is constrained to file the present writ petition.

3. In reply, the learned counsel appearing for the respondents would submit that originally the electricity connection was granted in the name of the erstwhile tenant of the petitioner, namely Mr.G.Ramachandran and after vacating the premises by him, the petitioner being the owner of the premises, is certainly entitled to get transferred the service connection in his name. He would also submit that generally the service connection stands in the name of the owner of the premises and therefore, the respondents will verify the ownership of the premises and the documents produced by the petitioner, necessary service connection would be effected in the name of the petitioner pursuant to the direction to be issued by this Court.

4. In view of the submissions made by the learned counsel appearing for the parties and in view of the fact that the erstwhile tenant in whose name the electricity service connection stood, had given no objection letter while vacating the premises and since the petitioner being the owner of the premises, is certainly entitled to get transferred the service connection in his name and in fact there is no impediment for the respondents to effect the same on verification of the



documents produced by the petitioner. Accordingly, the respondents are directed to consider the claim of the petitioner and to effect the transfer of the electricity service connection in favour of the petitioner based on the no objection letter issued by Mr.G.Ramachandran, who was the tenant of the petitioner and also the title document produced by the petitioner before the respondents, within a period of two weeks from the date of receipt of the relevant documents.

5. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Chairman,
The Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 02.
2. The Assistant Engineer,
[Operation & Maintenance],
Tamil Nadu Generation & Distribution
Company Ltd.,
Adambakkam, Chennai - 88.

+1cc to Mr.M.Venkatakkrishnan, Advocate, S.R.No.61402
+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.61649

W.P.NO.25596 OF 2017 AND
W.M.P.NO.26988 OF 2017

BR(CO)
PBS/14/12/2021