

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34128 of 2019

B.Senthil

...Petitioner

Vs.

1. The Assistant Engineer,
TNEB (Operation and Maintenance)
Meyyanur,
Salem 9.
2. The Assistant Executive Engineer,
Tamil Nadu Electricity Board, (Operation
and Maintenance), Salem 2.
3. The Executive Engineer,
TNEB (Operation and Maintenance),
Annathanapatti,
Salem West 2.
4. The Supervising Engineer,
TNEB, TANGEDCO,
K.N.Colony, Udayarpatty,
Salem 14.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to dispose of the representation dated 15.6.2019 submitted by the petitioner.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.Abdul Kalam
Standing Counsel (TNEB)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to dispose of the representation dated 15.6.2019 submitted by the petitioner.

2.The case of the petitioner is that his father late Balaji

is the owner of the house situate in T.S.NO.149/1, D.No.30 Korikadu, Pallapatti and the said house was bequest to the petitioner by his father by way of gift in the year 2013 and the said house is a terraced building constructed recently and till date no electricity service connection was effected, inspite of repeated demand. One Angapillai, Appadurai and Mariappa Pillai Ramasamy and his family members who are residing near the house, objected to give electricity connection to the petitioner's house. Due to their objections and in view of stay granted in S.A.No.990 of 2006, the respondents refused to grant electricity connection. Initially his father filed O.S.NO.689 of 2007 before the Lower Court against the respondents and Balasubramanian and 6 others to effect service connection and the said Suit was decreed in favour of his father. Challenging the said order, the defendants preferred the above said Second Appeal in S.A.No.990/2006, wherein a stay was granted by this Court.

3.While such being the position, the petitioner made a representation dated 15.06.2019 to the respondent to give electricity connection to his house and also admitted to bear the expenses. Eventhough the respondents has failed to consider the same and refused to give service connection to the petitioner's property. Aggrieved over the same, the present petition filed by the petitioner.

4.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to effect electricity service connection based on the application of the representation dated 15.06.2019 and pass orders on the same within a particular time frame fixed by this Court.

5.The learned Standing Counsel (TNEB) appearing for the official respondents submitted that though the prayer of the petitioner is to consider his representation dated 15.06.2019, the same was already considered by the respondent Board and communicated to the petitioner vide letter dated 15.07.2019. Further it is the claim of the petitioner that he is the owner of the above said property, however till date the petitioner has not produced any ownership documents in his name.

6. Further the petitioner has filed a Suit in O.S.No.836 of 2014 before the Lower Court, which was dismissed and the petitioner challenging the said dismissal order, filed an appeal in A.S. NO.49 of 2016 before the Appellate Court and the same was also dismissed with the observation that the TANGEDCO have to effect service connection as the basic amenity of the citizen, if possible directed to effect service connection to the plaintiff's house through any other way other than the area covered in O.S.No.689 of 2007, if the plaintiff is prepared to

bear the expenses of the same. Thereafter on receipt of the same, the petitioner has made representation on 15.06.2019 without enclosing other necessary documents as required by TNERC regulations and further one Vairamani made an objection that he is the absolute owner of the disputed land and also produced revenue records in his name. Since the said objector stated that civil suits are pending against the property, the TANGEDCO was unable to consider the petitioner's application or request. Therefore, the petitioner's representation was considered by the respondent Board in detail and if at all the petitioner is having grievance, he has to approach the Consumer Grievance Redressal Forum or he has to challenge the order / reply to the representation dated 15.07.2019.

7.The learned Standing Counsel further submitted that however if the petitioner establishes his title over the property and further that no other issues were pending before the competent civil court against the petitioner, the respondent Board will consider his request afresh.

8.In view of the aforesaid submissions, since it is the claim of the petitioner that he shall prove the title over the property and further that no civil proceedings are pending between the parties concerned, this Court grants liberty to the petitioner to send fresh representation along with documents to prove his title and shall also produce documents as to the non pendency of any civil proceedings, within a period of twelve weeks from the date of receipt of a copy of this order. If any such documents are produced, the respondents Electricity Board shall consider and pass appropriate orders in accordance with law, within a further period of eight weeks thereafter.

9. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Engineer,
TNEB, (Operation and Maintenance)
Meyyanur, Salem - 9.

2. The Assistant Executive Engineer,
Tamilnadu Electricity Board,
(Operation and Maintenance)
Salem - 2.
3. The Executive Engineer,
TNEB, (Operation and Maintenance)
Annathanapatti,
Salem West -2.
4. The Supervising Engineer,
TNEB, TANGEDCO,
K.N.Colony, Udayarpatty,
Salem - 14.

+1cc to Mr.N.Sudharsan, Advocate, S.R.No.68195

W.P.No.34128 of 2019

BR(CO)
RGA(25/01/2022)