

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34067 of 2019

Mrs.Sithi Hassan Beevi

... Petitioner

Vs.

1.The Chairman cum Managing Director,
TANGEDCO,
10th Floor, NPKRR Maaligai,
Anna Salai, Chennai 600 002.

2.The Assistant Engineer O and M,
Tamil Nadu Electricity Board,
CEDC/South, Bazullah Road,
T.Nagar, Chennai 600 017.

3.M.Mohammed Subuki

...Respondents

(3rd respondent is impleaded vide
order dated 20.12.2021 made in
WMP.18083/2020 in WP.34067/2019)

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to effect new Electricity Service Connection to the premises bearing New No.39/1, Old No.16/1, 1st Floor, Sarojini Street, T.Nagar, Chennai-17, within the time to be stipulated by this Honourable Court in accordance with law.

For Petitioner: Mr.G.Shivasurya

For Respondent: Mr.L.Jaivenkatesh
Standing Counsel (TNEB)

For newly impleaded
respondent : Mr.S.Balaji

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to effect new Electricity Service Connection to the premises

bearing New No.39/1, Old No.16/1, 1st Floor, Sarojini Street, T.Nagar, Chennai-17, within the time to be stipulated by this Honourable Court in accordance with law.

2. The case of the petitioner is the absolute owner of land and building consists of undivided share of land measuring 859 sq.ft with constructed flat in the 1st floor, measuring an extent of 783 sq.ft comprised in T.S.No.6061/2 in Municipal No.16, New No.39/1, Old No.16/1, 1st Floor, Sarojini Street, T.Nagar, Chennai 600 017 and the said property is originally a part and parcel of 6200 sq.ft of land and the same was originally belonged to her father late Abbas. On 12.11.1990 her father died leaving behind the legal heirs including the petitioner. After demise both father and mother, her three brothers took the front portion of land and building measuring an extent of 4377 sq.ft without the consent of petitioner. Hence, the petitioner filed Civil Suit in C.S.No.584 of 2003 and the same is pending.

3. It is the further claim of the petitioner that right from the beginning the 1st floor portion of the property on rear side is in absolute possession and enjoyment of the petitioner. Due to water crises, the petitioner shifted her resident and letting out the premises to a concern for using the same for commercial purpose. Since the electricity service provided in the premises is for residential purpose, but the tenant using the same for commercial purpose, the 2nd respondent has imposed penalty for a sum of Rs.43,179/- and the same was also paid by the petitioner. Thereafter, the petitioner approached the respondent to change the electricity service from the residential purpose to commercial purpose, however the 2nd respondent has denied the same and asked to get No Objection Certificate from her brother. Since it is very hard to get No Objection Certificate from her brothers as a civil proceedings is pending, the petitioner has applied for a new commercial service to the respondent, for which the respondent sent reply stating to obtain NOC from the legal heirs of her father. Aggrieved by the same, the petitioner is before this Court by filing this Writ Petition.

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 petitioner dated 05.10.2019, made for a new commercial service 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 and the learned counsel appearing for the newly impleaded respondent submitted that if the petitioner establishes his legal heirship on production of legal heir certificate and NOC from other legal heirs, her representation will be considered in the manner known to law. Further unless the civil proceedings before the Civil Court is decided, electricity connection could not be effected.

6. In view of the aforesaid submissions, this Court directs the petitioner to submit all relevant particulars to prove their legal heirship and as to the lawful possession in respect of the 1st floor of the above said premises, to effect service connection. Thereafter, the 2nd respondent, after considering all relevant materials, is directed to consider the application dated 05.10.2019 afresh and pass appropriate orders as expeditiously as possible.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman cum Managing Director,
TANGEDCO,
10th Floor, NPKRR Maaligai,
Anna Salai, Chennai 600 002.

2.The Assistant Engineer O and M,
Tamil Nadu Electricity Board,
CEDC/South, Bazullah Road,
T.Nagar, Chennai 600 017.

+1cc to Mr.L.Jaivenkatesh, Advocate SR.No.68257
+1cc to Mr.S.Balaji, Advocate SR.No.68979

W.P.No.34067 of 2019

CP(CO)
GN(24/02/2022)