



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.19483 of 2017

Sampooranam

...Petitioner

Vs.

1.The Assistant Engineer,  
Retteri / Operation and Maintenance  
CEDC/North,  
TANGEDCO,  
Chennai - 600 099.

2.V.Gunasekaran

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records that relates to the impugned order of the 1<sup>st</sup> respondent dated 20.07.2017 in letter No. AE/Retteri/File. Electricity Connection/1A and quash the same and consequently direct the 1<sup>st</sup> respondent to provide electricity service connection to the petitioner's house at Door No.31/18, Kumaran Street, Lakshmipuram, Chennai - 600 099 comprised in Survey Nos.1471/13C and 1471/16.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.L.Jai Venkatesh  
Standing Counsel for R1

No appearance for R2.

ORDER

This Writ Petition has been filed, praying to issue a Writ of Certiorari Mandamus, to call for the records relates to the impugned order of the 1<sup>st</sup> respondent dated 20.07.2017 in letter No. AE/Retteri/File. Electricity Connection/1A and quash the same and consequently direct the 1<sup>st</sup> respondent to provide electricity service connection to the petitioner's house at Door No.31/18, Kumaran Street, Lakshmipuram, Chennai - 600 099 comprised in Survey Nos.1471/13C and 1471/16.



2. It is the case of the petitioner that the property comprised in Survey Nos.1471/13C and 1471/16 admeasuring 5803 Sq.Ft was purchased by her father Mr.Varadappa Naicker and in the year 1986, the petitioner's father died and the petitioner, her mother and brothers became the joint owners of the property. The petitioner is in possession of her share admeasuring 725 Sq.Ft. There is no issue with regard to the enjoyment of the property. The petitioner seeks electricity service connection and made an application to the 1<sup>st</sup> respondent and in this regard, she has also produced a certificate issued by the Village Administrative Officer, to the effect that she has been residing in the said premises for the past 53 years. Therefore, she submits that without considering the same, her request for providing Electricity Service Connection, was rejected by the impugned order dated 20.07.2017. Aggrieved over the same, the petitioner is before this Court.

3. The learned Standing Counsel appearing for the 1<sup>st</sup> respondent submitted that the petitioner has failed to produce House Tax receipts, ownership documents, property tax and water tax receipts to show that she has been residing in her portion for which she sought for electricity service connection and therefore, the 1<sup>st</sup> respondent has rightly rejected the application.

4. It appears that there is a dispute between the petitioner and her brother, who is the 2<sup>nd</sup> respondent herein and the 2<sup>nd</sup> respondent objected to grant the electricity service connection to the petitioner and there are civil suits pending before the Civil Court. However, it is pertinent to note that mere pendency of the civil suits between the parties is not a bar for providing electricity service connection to the petitioner. In fact, electricity is a basic necessity, to which the petitioner is certainly entitled to and it is incumbent upon the authorities to provide the same. Absolutely this Court does not find any legal impediment to provide the electricity service connection to the petitioner in respect of her premises, wherein she has been residing for years together and to prove the same, she has produced the certificate issued by the Village Administrative Officer.

5. Therefore, this Court is of the view that the impugned order passed by the first respondent cannot be sustained and the same is hereby set aside.

6. Accordingly, the writ petition stands allowed. No costs. Consequently, the respondents are directed to consider the application made by the petitioner and provide electricity



service connection to the petitioner premises without any further delay preferably within a period of four weeks.

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Sd/-  
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

Pns

To

The Assistant Engineer,  
Retteri / Operation and Maintenance  
CEDC/North,  
TANGEDCO, Chennai - 600 099.

+1cc to M/s.T.Saikrishnan, Advocate SR.No.65025

W.P.No.19483 of 2017

SJ(CO)  
RVM(28/12/2021)