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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.35422 OF 2019

AND

W.M.P.NO.36253 OF 2021

P.Regno

... Petitioner

.Vs.

1. The Chairman um managing Director,
TANGEDCO, 10th Floor,
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.

2. The Superintending Engineer,
TANGEDCO/West/Chennai,
33 KV Thirumangalam Complex,
Anna Nagar,
Chennai - 600 040.

3. The Assistant Engineer,
O&M/Oragadam,
TANGEDCO/CEDC/West,
Ambattur,
Chennai - 600 053.

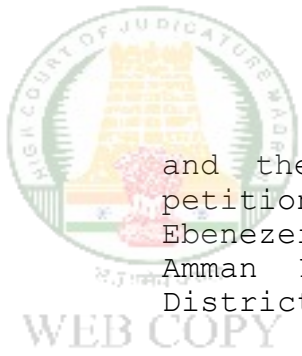
4. M/s.Faith Foundation,
Rep. by its Proprietor,
Mr.Jude Thomas.

5. Mr.Gerard Fernando

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned letter made in Lr.No.AE/O and M/Oragdam/DCW/D.367/19 dated 15/03/2019, issued by the 3rd Respondent, quash the same and consequently direct the Respondents 1 to 3 to shift the over line cable to underground



and thereby provide permanent Electricity Connection to the petitioners residential flat bearing Flat No.F1, First Floor, Ebenezer Enclave at Plot No.65, Comprised in Survey No. 60/4, Amman Nagar, Oragadam Village, Ambattur Taluk, Thiruvallur District.

For Petitioner : Mr.K.Alakendran

For RR1 to R3 : Mr.L.Jaivenkatesh
Government Advocate

For R4 & R5 : No appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling upon the records of the entire proceedings in Proc.No.7868/CEA/2021, on the file of the 2nd respondent and quash the order dated 18.10.2021 passed by the 2nd respondent.

2. The case of the petitioner is that the petitioner is the owner of the residential flat bearing No.F1 in First Floor of the building namely Ebenezer enclave, at Plot No.65 comprised in S.F.No.60/4, Amman Nagar, Oragadam Village, Ambattur Taluk, Thiruvallur District and the petitioner has purchased the said property from the 4th respondent, who is the land owner cum builder, vide Sale Deed dated 26.05.2014. There are 6 flats in the said building as per the building permission and as of now four owners are ready to occupy their respective flats in the said building. While being so, the petitioner applied for separate electricity connection for his individual flat on 15.11.2018 before the 3rd respondent. On receipt of the application, site inspection was conducted by the Assistant Divisional Engineer, O&M/Oragadam and upon such inspection it was found that the over line cable going through the building was very close to the flats and thereby the 3rd respondent informed the petitioner that the electricity connection will be provided only if the over line cable is shifted to underground and instructed the petitioner to submit application for shifting the over line cable to underground. In response, the petitioner has submitted an application before the Assistant Divisional Engineer, O&M/Oragadam, on 18.01.2019. In response to his request, the 3rd respondent sent a reply dated 15.03.2019, wherein it was stated that an objection was received from the 5th respondent, who claimed himself to be one of the landowner



and not to entertain any application at the site without resolving disputes. Thereafter, the petitioner submitted detailed clarifications to the 3rd respondent explaining that the 4th respondent has unauthorisely entered into a Sale Agreement with the 5th respondent and requested to consider his application. However, the 3rd respondent has not come forward to consider the petitioner's application and thereafter, the petitioner also sent a reply dated 26.03.2019 and a legal notice dated 24.04.2019 to the respondents, to consider the petitioner's grievances and even though there was no action or reply from the respondents till date. Hence, the petitioner left with no other option, is constrained to approach this Court by filing this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that the 4th respondent has no locus standi to convey the land through a Sale Deed in favour of the 5th respondent and thereby, the said Sale Deed and Construction Agreement is contrary to the site and building plan approved by the competent authority. The petitioner is a bonafide and legal purchaser of the land and also put up construction as per the approval plan through the 4th respondent and there is no dispute of title between the petitioner and the 4th respondent. On the other hand, prima facie, the dispute is only between the respondents 4 and 5 and it is for them to resolve the dispute by approaching the civil forum either for specific performance and refund of money. Therefore, the respondents are bound to give electricity connection to the petitioner and prays for allowing of this petition.

4. Though notice was served on the respondents 4 and 5 and their names were appeared in the cause list, there is no representation on behalf of them.

5. The 3rd respondent has appeared before this Court and assisted the learned Standing Counsel appearing for the respondents 1 and 2, who on instructions submitted that the service connection will be effected on payment of necessary charges, within a period of one week.

6. Considering the above facts and circumstances and recording the submission of the learned Standing Counsel appearing for the respondents 1 to 3, this Writ Petition stands allowed and this Court sets aside the impugned order dated 15.03.2019 issued by the 3rd respondent in Lr.No.AE/O and M/Oragadam/DCW/D.367/19 and the 3rd respondent is directed to



effect service connection as agreed by the learned Standing Counsel for the respondents 1 to 3, on or before 07.01.2022. No costs. Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sk

To

1. The Chairman um managing Director
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TANGEDCO/CEDC/West,
Ambattur,
Chennai - 600 053.

+2ccs to Mr.K.Alakendran, Advocate, S.R.No.64057
+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.63881

W.P.NO.35422 OF 2019

AK-II(CO)
PBS/03/01/2022