



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.5525 OF 2022

Mrs.Sasikala Srinivasan

... Petitioner

Vs

1. The Chief Engineer,
Tamilnadu Electricity Board Head Office,
No.825, Link Rd, Anna Salai,
Triplicane, Chennai,
Tamil Nadu 600 002.
2. The Executive Engineer,
C.E.D.C. West, Tamilnadu Electricity Board,
No.229, N.M.Road, Avadi, Chennai.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 2nd respondent to consider the representation dated 06.01.2022 and 12.02.2022 which have been given to provide new separate electricity service connection at No.4/7, Rajaji Street, Kamaraj Nagar, Avadi, Chennai in the name of the petitioner within time frame.

For Petitioner : Ms.L.Umma Kulsum

For Respondents : Ms.Keerthana Shenoi
for Mr.L.Jai Venkatesh

O R D E R

Ms.KeerthanaShenoi, learned counsel on behalf of Mr.L.JaiVenktesh, learned Standing Counsel accepts notice for the respondents and has received instructions to enable final disposal of this Writ Petition even at the stage of admission.



2. The petitioner seeks a mandamus directing the second respondent, i.e., the Executive Engineer of the Tamil Nadu Electricity Board to consider her representations dated 06.1.2022 and 12.02.2022 for provision of separate electricity connections at No.4/7, Rajaji Street, Kamaraj Nagar, Avadi, Chennai (property in question).

3. Upon a perusal of the affidavit filed and on hearing the submissions of the respondents, it appears that the action of the respondent in terminating the service connection is based on a representation filed by the husband of the petitioner, who has not been arrayed as a respondent in the Writ Petition. It appears that there are matrimonial disputes between the petitioner and her husband.

4. The petitioner has filed a Petition in C.M.P.No.5533 of 2019 which is pending before the Judicial Magistrate No.II, Poonamallee. She alleges that her husband had executed a sale deed in regard to the property in question, wherein she has been residing since the date of marriage for 17 years, in favour of his nominee.

5. This sale, according her, is a sham and collusive, merely to oust the petitioner from the property unfairly and pending litigation inter se the parties. She has thus filed a Suit in O.S.No.28 of 2022 before the District Munsif Court, Poonamallee seeking a declaration that the aforesaid sale is null and void and merely to supersede the order passed by Judicial Magistrate No.II, Poonamallee in C.M.P.No.5533 of 2019 dated 04.12.2021.

6. It is in the aforesaid circumstances that the petitioner's husband had approached the authorities seeking disconnection of electricity and water connections and the authorities have also obliged. The nature of enquiry that has been conducted by the authorities is unknown, though, on oral instructions, Ms.Shenoi would submit that an inspection of the property in question has revealed that the same was vacant, which is disputed by the learned counsel for the petitioner.

7. Suffice it to say that there are enough disputed facts at play in the matter to persuade this Court not to intervene substantively. This is a matter best left to the authorities and a direction is thus issued to R2, the to consider the representations of the petitioner dated 06.02.2021 and 12.02.2022, hear the petitioner as well as her husband, upon whose complaint the water and electricity connections have been disconnected, and pass a speaking order on merits and in accordance with law, within a period of four (4) weeks from today.



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8. This Writ Petition is disposed in the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Engineer,
Tamilnadu Electricity Board Head Office,
No.825, Link Rd, Anna Salai,
Triplicane, Chennai,
Tamil Nadu 600 002.
2. The Executive Engineer,
C.E.D.C. West, Tamilnadu Electricity Board,
No.229, N.M.Road, Avadi, Chennai.

+3ccs to M/s.Aloysius Raja Pragash , Advocate, S.R.No.16581

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.16812

W.P.No.5525 of 2022

EV(CO)
RLP(02/05/2022)