



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.31898 of 2012

and

M.P.No.1 of 2012

1.Mr.Surendra Singh Jain

2.Mrs.Sumitra Kumari Singhi

... Petitioners

vs.

1. Executive Engineer (O & M),
T.Nagar, Chennai-600 034.

2. Assistant Executive Engineer (O & M),
T.Nagar, Chennai-600 034.

3. Assistant Engineer (O & M),
T.Nagar,/North,
CEDC/Central (T.N.E.B.),
41, Thanikachalam Road,
T.Nagar, Chennai-17.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the letter issued by the Executive Engineer (O & M), T.Nagar, Chennai-34 in Lr.No.EE/O & M/TN/ATO/MBM/Rev.Br/AS.2// D.958/12, dated 04.10.2012 the first respondent herein and the letter issued by the Assistant Engineer (O & M)/T. Nagar/North/CEDC/Central (T.N.E.B.), 41, Thanikachalam Road, T.Nagar, Chennai-17 in Lr.No.A.E./(O & M)/TN/North/D/No.482/12, dated 08.11.12, the third respondent herein and quash the same and consequently direct the respondents herein to restore the service connection numbers 221:065:69, 221:065:116, 221:065:117 and 221:065:118 that stands in the name of the petitioners herein with respect to Door Nos.20A and 20B, Balaji Avenue Second Street, T.Nagar, Chennai-17 and within such time as may be prescribed by this Court.

For Petitioners : Mr.N.Damodaran

For Respondents : Mr.L.Jai Venkatesh, Senior Counsel



ORDER

The petitioners are the husband and wife. They purchased 1/3rd undivided share of the vacant land wherein three houses were built. The first petitioner is the owner of the ground floor portion and the second petitioner is the owner of the first floor portion and the second floor portion was sold to one Mrs. Sheela Kanyanji Saiya. They obtained 5 separate electric service connections to each house portions viz., first floor, second floor, third floor, one service connection to the servant quarters and one service connection to the separate portion which was occupied by the petitioners' son.

2. On instructions of Electricity Board, the first respondent had disconnected four service connections out of five service connections in the petitioners house on the ground that as per clause 24(14) it has been clearly mentioned that where the door number has more than one service connection will be given only if there is a permanent physical segregation of areas. Whereas the petitioners are using undivided portion and they are all living in the same house without segregation. Therefore, the petitioners are not entitled to get separate service connection to each floor of the house.

3. I have considered the submissions made by the parties.

4. Admittedly, the first petitioner is the owner of 1/3rd undivided share, the second petitioner is also the owner of the another 1/3rd undivided share and remaining 1/3rd share was sold in favour of one Mrs. Sheela Kanyanji Saiya. Therefore, it is made clear that the first petitioner is the owner of the ground floor portion which has a separate service connection and the second petitioner is the owner of the first floor portion which is also a separate apartment. If at all, the second petitioner wants to sell the property which was purchased by her, she cannot sell it without electricity connection. Therefore, when there are two sale deeds and different ownership, it should be considered that the ground floor portion and the first floor portion are two separate portions and hence, the petitioners are entitled to separate service connections to the ground and first floor portions. Apart from that the other co-owner namely Mrs. Sheela Kanyanji Saiya is also entitled to a independent service connection to her portion. Other than that they cannot be given a separate service connection to the servant quarters or the children of the petitioners, who are living within the property purchased by their parents.



5. Considering the facts and circumstances of the case, a direction is given to the respondents to provide three separate service connections to each flat in each floor of the petitioners house excepting the servant quarters and the portion in which the petitioners' children are living. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssi/dua

To:

1. The Executive Engineer (O & M),
T.Nagar, Chennai-600 034.
2. The Assistant Executive Engineer (O & M),
T.Nagar, Chennai-600 034.
3. The Assistant Engineer (O & M),
T.Nagar,/North,
CEDC/Central (T.N.E.B.),
41, Thanikachalam Road,
T.Nagar, Chennai-17.

+lcc to Mr.N.Damodaran, Advocate, S.R.No.13711
+lcc to Mr.L.Jai Venkatesh , Advocate, S.R.No.13975

W.P.No.31898 of 2012

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NSK 23/03/2022