



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.15110 of 2022

G.Prabhu

.. Petitioner

-Vs-

1. The Superintending Engineer/CEDC/WEST,
Office of the Superintending Engineer/CEDC/West,
Thirumangalam, Chennai-40.
2. The Executive Engineer,
Avadi Division, TANGEDCO,
Avadi, Chennai-54.
3. Assistant Engineer,
Avadi Divison, TANGEDCO,
Avadi, Chennai

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation dated 11.05.2022 and consequently provide him electricity service connection in Application No.20009458022256 dated 08.02.2022.

For Petitioner : Mr.R.Ramkumar

For Respondents : Mr.C.Jai Venkatesh
Standing Counsel

O R D E R

By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 11.05.2022 requesting the respondents to provide electricity service connection in his name based on his application dated 08.02.2022.



3. The petitioner claims that he is serving in Indian Military as Havildhar. According to him, he has constructed a new house in his wife's name, who had purchased the same on 06.07.2020. The property is situated in S.No.280/3, (Ward A) Block No.35, admeasuring 1250 sq.ft. in Plot No.12, Bharath Avenue Annex, Mittanamalli Village, Avadi Taluk, Thiruvallur District.

4. According to the petitioner, the building plan for the construction of the house has also been approved. The petitioner has applied for electricity service connection for the aforementioned house in his name on 08.02.2022. He has also submitted another representation dated 11.05.2022 with the respondent for the said purpose. Since his electricity service connection application and his representation dated 08.02.2022 has not been considered till date, he has filed this writ petition.

5. Heard Mr.R.Swarnavel, learned counsel for the petitioner and Mr.C.Jai Venkatesh, learned standing counsel forTNEB accepts notice on behalf of the respondents.

6. On instructions, the learned standing counsel for the respondents would submit that there is a rival claim over the same property, for which, electricity service connection is sought for by the petitioner. He would submit that a civil suit is also pending and injunction has been granted in favour of the rival claimant against the petitioner. As seen from the notice dated 23.08.2021, received from the rival claimant Mr.G.Nehru Prasad by the respondents, there seems to be a dispute with regard to the ownership of the property. However, the said dispute does not relate to the electricity service connection sought for by the petitioner.

7. No prejudice would be caused to the respondents if the application submitted by the petitioner seeking for grant of electricity service connection in his name is considered on merits and in accordance with law after affording a fair hearing to the petitioner as well as the rival claimant Mr.G.Nehru Prasad, who has sent a notice to the respondents calling upon them not to grant electricity service connection in favour of the petitioner.

8. For the forgoing reasons, this Court directs the 3rd respondent to pass final orders on the petitioner's application dated 08.02.2022 followed by his representation dated 11.05.2022 seeking for grant of electricity service connection in his name for the property situated in S.No.280/3, (Ward A) Block No.35, admeasuring 1250 sq.ft. in Plot No.12, Bharath Avenue Annex, Mittanamalli Village, Avadi Taluk, Thiruvallur District. within



a period of six weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner as well as the rival claimant Mr.G.Nehru Prasad and any other necessary party, whom the 3rd respondent deems fit to enquire, including granting them the right of personal hearing.

9. With the aforesaid directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Superintending Engineer/CEDC/WEST,
Office of the Superintending Engineer/CEDC/West,
Thirumangalam, Chennai-40.
2. The Executive Engineer,
Avadi Division, TANGEDCO,
Avadi, Chennai-54.
3. Assistant Engineer,
Avadi Divison, TANGEDCO,
Avadi, Chennai

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.36494

+1cc to Mr.R.Swarnavel, Advocate, S.R.No.36487

W.P.No.15110 of 2022

AK-II(CO)
UMA(30/06/2022)