

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.NO.22227 OF 2021
AND WMP NO.23444 OF 2021

Karthik Udaykumar

... Petitioner

Versus

1. The Assistant Executive Engineer,
O&M, MEDC Central, C.I.T.Nagar,
No.86, Dr.Radhakrishnan Salai,
C.I.T.Nagar, Chennai-600 004.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai-8
(R.2 suo motu impleaded vide order dated
21.10.2021 made in WP No.22227 of 2021)

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondent to provide petitioner a permanent new separate electricity service connection to petitioner's property Flat Old No.3/2, New No.5/2, First Floor, New No.5, Old No.3, C.I.T.Colony, 1st Main Road, Mylapore, Chennai-600004 based on the petitioner online application dated 24.07.2021.

For Petitioner : Mr.M.Vijay Anand
For Respondents: Mr.L.Jai Venkatesh
Standing Counsel
For R.1
Mrs.Veena Suresh
Standing Counsel
For R.2

ORDER

This writ petition has been filed for a Mandamus to direct the respondent to provide petitioner a permanent new separate electricity service connection for petitioner's property at Flat Old No.3/2, New No.5/2, First Floor, New No.5, Old No.3,

C.I.T.Colony, 1st Main Road, Mylapore, Chennai-600004 based on the petitioner online application dated 24.07.2021.

2. The petitioner claims that he is the absolute owner of the aforementioned property, which is in the Ist floor. The petitioner has submitted an on-line application on 24.07.2021 with the first respondent and has paid the necessary fees, seeking for grant of electricity service connection in his name for the aforementioned property. Since the representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.M.Vijay Anand, learned counsel for the petitioner and Mr.L.Jai Venkatesh, learned Standing Counsel for the first respondent and Mrs.Veena Suresh, learned Standing Counsel for the second respondent.

4.The learned Standing Counsel appearing for the first respondent, on instructions, would submit that since the petitioner has not produced the completion certificate, the first respondent has not processed the petitioner's on-line application, seeking for electricity service connection.

5. However, learned counsel for the petitioner submits that the subject building is an old building and there is no necessity for the petitioner to produce the completion certificate. Learned counsel for the petitioner also drew the attention of this Court to the order dated 11.11.2009 passed by this Court in W.P.No.22304 of 2009, pertaining to the very same building, where, some of the residents had approached this Court and a direction was issued to the respondents to grant electricity service connection despite there being deviation in the building plan. Therefore, according to the learned counsel for the petitioner, there is no prohibition for the respondents to grant electricity service connection in favour of the petitioner also.

6. No prejudice would be caused to the respondents if the petitioner's application dated 24.07.2021, seeking for grant of electricity service connection is considered on merits and in accordance with law after affording a fair hearing to the petitioner.

7. For the foregoing reasons, this Court directs the respondents to pass final orders on the petitioner's on-line application dated 24.07.2021, seeking for grant of electricity service connection in his name for the property Flat Old No.3/2, New No.5/2, First Floor, New No.5, Old No.3, C.I.T.Colony, 1st Main Road, Mylapore, Chennai-600004, on merits and in accordance with law after affording a fair hearing to the petitioner, including granting him the right of personal hearing within a

period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr

To

1. The Assistant Executive Engineer,
O&M, MEDC Central, C.I.T.Nagar,
No.86, Dr.Radhakrishnan Salai,
C.I.T.Nagar, Chennai-600 004.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai-8

+1cc to Mr.M.Vijay Anand, Advocate, S.R.No.45502
+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.45692

W.P.No.22227 of 2021

PM(CO)
PM/27/07/2022