



WEB COPY



W.P.No.7641 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7641 of 2022
and W.M.P.No.7649 of 2022

1. R.Prasanna
2. P.Alamelu Mangai

...Petitioners

-Vs -

1. The Tamil Nadu State Electricity Board,
Rep by its Chairman
10th Floor, NPKKR Maligai,
144, Anna Salai,
Chennai – 600 002.
2. The Assistant Engineer (O & M),
TANGEDCO (TNEB),
133, 2nd Cross Street,
Shanthi Nagar Main Road,
Radha Nagar, Chromepet,
Chennai – 600 044.

3. N.Robert

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to give electricity service connection to the petitioners' house property at Plot No.12, Ramdoss Street Extn., Dhamodharan Nagar, Huthinapuram, Chromepet, Chennai – 600 064 on the application submitted by the petitioners on 20.05.2019 forthwith.



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For Petitioners : Mr.V.Krishnamurthy

For Respondents

For R1 & R2 : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

This writ petition has been filed for direction, directing the second respondent to give electricity service connection to the petitioners' house property.

2. The petitioners owned a house property situated at Plot No.12, Ramdoss Street Extn., Dhamodharan Nagar, Husthinapuram, Chromepet, Chennai – 600 064, to an extent of 600 sq.ft., comprised in royatwari punjai survey No.62/7, paimash No.220/1 Part, Hasthinapuram Village, Alandur Taluk, Kancheepuram District. They purchased the said property from one P.Gandhi, by the registered sale deed vide document No.48/2012.

3. Thereafter, the petitioners constructed a small ACC cement sheet roofing house ad measuring 210 sq.ft., of plinth area. After completion of entire construction, the petitioners applied for electricity



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service connection on 20.05.2019. However, the second respondent without considering their application, simply kept the application pending. Thereafter, the petitioners came to understand that the third respondent, who purchased the said property from one Saravanan, objected to provide electricity service connection to the petitioners and also interfering the peaceful possession of the petitioners.

4. The learned counsel appearing for the petitioners submitted that the third respondent owned property in plot Nos.46 & 47. However, the third respondent is not having any document to show that he is the owner of the petitioners' property. That apart, the petitioners filed suit for permanent injunction in O.S.No.199 of 2019 on the file of the learned Principal District Munsif, Alandur, as against the third respondent and the same is pending. Further, the petitioners also filed another suit for mandatory injunction directing the second respondent to provide electricity service connection to the petitioners' premises in O.S.No.286 of 2019 on the file of the learned Additional District Munsif, Alandur. Subsequently, the said suit was withdrawn and filed the present writ petition.



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5. Heard the learned counsel appearing on either side and perused the materials placed before this Court. Though notice served on the third respondent, no one is appeared before this Court on behalf of him.

6. When the third respondent failed to produce any document that he is the owner of the petitioners' premises, the second respondent has no authority to deny the electricity service connection to the petitioners. Therefore, the objection raised by the third respondent cannot be the ground to not provide the electricity service connection to the petitioners.

7. That apart, a notice issued by this Court to the third respondent and the same was duly served on him. Thereafter, one Mr.M.J.Sundar, learned counsel, undertakes to file vakalath for the third respondent. So far, no vakalath has been filed on behalf of the third respondent and no one is appeared before this Court. It shows that the third respondent unnecessarily submitted representation by way of objection to provide electricity service connection to the petitioners without any document. Further, in view of the interim order passed by



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this Court, the petitioners were already provided with temporary electricity service connection to their premises.

8. Considering the above facts and circumstances, the second respondent is directed to convert the temporary electricity service connection as permanent one, if otherwise they are eligible for electricity service connection, forthwith. The petitioners shall comply other conditions such as production of documents etc.

9. With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

01.04.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

rts

To

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