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W.A.No. 1397 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE MR.JUSTICE K. KUMARESH BABU

W.A.No. 1397 of 2022

1. D. Maheswari

2. G. Parthasarathy

.. Appellants

Vs

1. G.A. Alex Stephen

2. The Assistant Engineer (O &M)

Gandhi Nagar Phase,

Tamil Nadu Generation and Distribution Corporation Ltd.,

Sembium, Chennai-600011.

3.A.Raajendhar

4.The Bar Council of Tamil Nadu and Pudhucheery

High Court Campus, Chennai – 600104.

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.04.2022 in W.P.No.18280 of 2020.



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For Appellant : Mr. R.Uthayakumar

For Respondents : Mr.M.Abdul Razack – R1

Mr. L. Jai Venkatesh, Standing Counsel-R2

No Appearance - R3

J U D G M E N T

D.KRISHNAKUMAR, J.

Aggrieved by the order passed by the writ court in W.P. No. 18280 of 2020, dated 27.04.2022, the present writ appeal has been filed by the appellant.

2. The case of the appellant is that she has been in possession of the premises at Flat No. F-2, First Floor, Door No. 140, Balakrishnan Street, Nehru Nagar, Erukkencherry, Chennai. She alleges that the 1st respondent, the owner of the premises, was not cooperating in obtaining an electricity connection. The appellant made a representation directly to the 2nd respondent. Since the 2nd respondent authority rejected the appellant's request, she filed a writ petition in W.P. No. 2257 of 2018, seeking



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directions for the respondent authority to provide an electricity connection in her name. The said writ petition was disposed of, directing the concerned authorities to consider the application submitted by the appellant in accordance with the rules in force. Pursuant to the directions issued by this Court, the respondent Board granted an electricity connection in favor of the appellant. Aggrieved by the said order of this Court, the 1st respondent filed a writ petition in W.P. No. 18280 of 2020. This Court, by order dated 27.04.2022, allowed the writ petition, directing the respondent Board to cancel the service connection granted to the appellant and reallocate the service connection for the subject property in the name of the owner of the property. Challenging the same, the present writ appeal has been filed.

3. Heard the learned counsel for the appellant and the learned counsel appearing for respondents and perused the materials available on record.

4. The contention of the appellant is that she has been in possession of the subject property as a lessee under the 2nd appellant herein, via a registered lease deed dated 10.06.2009. Based on the orders of this Court in W.P. No. 2257 of 2018 and the legal opinion obtained from the learned



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standing counsel for the respondent Board, the electricity service connection was effected in the name of the appellant, as she is in legal occupation of the premises. Therefore, the directions issued by the learned Single Judge in the impugned order to cancel the service connection effected in her name and reallocate the same in the name of the 1st respondent are not in accordance with law and deserve interference by this Court.

5. Although the appellant strongly contended that she is a lawful occupant of the premises, she has not provided any supporting documents to prove her legal occupation. Furthermore, the learned counsel for the 1st respondent produced a letter No. 226/A5/2023, dated 10.10.2023, which states that based on the complaint filed by the 1st respondent namely G.A. Alex Stephen, the owner of the property, the lease deed registered as document No. 6481/2009 in favor of the appellant by one Rajender/3rd respondent herein has been canceled as forged. Therefore, as of today, the appellant, who relied on the aforementioned lease deed, has no legal right to claim possession of the subject property. Hence, we do not wish to interfere with the impugned order of the Writ Court.



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6. Considering the facts and circumstances of the case and recording the aforesaid proceedings of the District Registrar (Administration), North Chennai, dated 10.10.2023, the writ appeal stands dismissed. No costs.

[D.K.K.J.] [K.B.J.]

11.06.2024

Speaking Order/Non Speaking Order

Index: Yes

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To

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2. The Bar Council of Tamil Nadu and Pudhucheery
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