

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26-02-2010

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

W.P.Nos.22387 to 22400 of 2009 and
W.P.Nos.22517, 22518 and 22520 of 2009

M.Anbalagan	..	Petitioner in W.P.No.22387 of 2009
V.Neela	..	Petitioner in W.P.No.22388 of 2009
H.Karpagam	..	Petitioner in W.P.No.22389 of 2009
D.Lakshmi	..	Petitioner in W.P.No.22390 of 2009
R.Elumalai	..	Petitioner in W.P.No.22391 of 2009
B.Dharanipathy	..	Petitioner in W.P.No.22392 of 2009
K.Sagunthala	..	Petitioner in W.P.No.22393 of 2009
G.Susila	..	Petitioner in W.P.No.22394 of 2009
M.Baby	..	Petitioner in W.P.No.22395 of 2009
N.Govindasamy	..	Petitioner in W.P.No.22396 of 2009
V.Kanniappan	..	Petitioner in W.P.No.22397 of 2009
Shanthi	..	Petitioner in W.P.No.22398 of 2009
B.Selvam	..	Petitioner in W.P.No.22399 of 2009
K.Muniammal	..	Petitioner in W.P.No.22400 of 2009
K.Krishnamurthy	..	Petitioner in W.P.No.22517 of 2009
D.Mageswari	..	Petitioner in W.P.No.22518 of 2009
P.Tamilselvi	..	Petitioner in W.P.No.22520 of 2009

Versus

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Chennai Electricity Distribution Circle (Central),
Valluvar Kottam High Road,
Nungambakkam, Chennai-600 034.

2.The Asst. Executive engineer,
O & M Usman Road,
CEDC Central, Tamil Nadu Electricity Board,
Chennai-600 017.

3.V.R.Venkatachalam. .. Respondents in all Petitions

Prayer in W.P.No.22387 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing

Door No.19, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22388 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.171, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22389 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.31, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22390 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.42, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22391 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.67, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22392 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.21, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22393 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioners premises bearing Door No.64, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22394 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.46, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22395 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.182, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22396 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.80, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22397 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic

electricity service connection to the petitioner's premises bearing Door No.98-D, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22398 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.122, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22399 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.138, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22400 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.68, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22517 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.7, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22518 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.42A, Raj Pillai Thottam, T.Nagar, Chennai-17.

Prayer in W.P.No.22520 of 2009: Petition filed seeking for a Writ of Mandamus to direct the first and second respondents to give domestic electricity service connection to the petitioner's premises bearing Door No.169, Raj Pillai Thottam, T.Nagar, Chennai-17.

For Petitioners : Mr.M.Venkatakrisnan

For Respondents : Mr.A.Selventhiran (R1)
Mr.D.Ferdinand (R2)
Mr.P.Balasubramanian (R3)

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O R D E R

As similar issues are arising for consideration in all the above writ petitions and since the reliefs sought for are also similar in nature, a common order is passed by this Court, in the above writ petitions.

2. The writ petitioners have prayed for a Writ of Mandamus to direct the concerned officers of the respondent Tamil Nadu

Electricity Board to grant electricity service connection to their respective residential premises at Raja Pillai Thottam, T.Nagar, Chennai.

3. The petitioners have claimed that they are lawful occupants of their premises and they have been residing therein for a substantial length of time. Even though they had applied for electricity service connection to the respondent Tamil Nadu Electricity Board, along with the necessary documents, no electricity service connection has been given, as requested by the petitioners, till date.

4. It has also been stated that other similarly placed persons, like that of the petitioners, have been granted electricity service connections. The respondent Tamil Nadu Electricity Board has not complied with the request of the petitioners, in spite of several requests made by them. It has also been stated that the petitioners and their family members, including school going children and senior citizens have been put to great hardship due to lack of electricity in their residential premises. In such circumstances, the petitioners have preferred the present writ petitions before this Court, under Article 226 of the Constitution of India.

5. No counter affidavit has been filed on behalf of the first and the second respondents. However, in the counter affidavit filed on behalf of the third respondent the averments made by the petitioners, in their affidavits filed in support of the writ petitions, have been denied. It has been stated that the third respondent and his family members are the lawful co-owners of a total extent of 73 grounds and 323 Sq.ft. of land, in T.S.No.5260 in Block No.119 in Mambalam Revenue Division, known as 'Raju Pillai Thottam'. The petitioners are encroachers in the said property. They have no legal right to claim any interest in the said property. As they are in unlawful occupation of the property belonging to the third respondent and his family members their request for grant of electricity service connection should be rejected by the first and the second respondents.

6. The learned counsel appearing on behalf of the first and the second respondents had submitted that the requests of the petitioners could be considered only if they are found to be lawful occupants of the premises in question. The petitioners should show sufficient proof to substantiate their claims, before their requests for electricity service connection could be considered.

7. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned, and in view of the records available, the first and the second respondents are directed to grant electricity service connection to the petitioners, as prayed for by them, in the present writ petitions, under Rule 27(4) of the Tamil Nadu Electricity Distribution Code, 2004, on their submitting the necessary applications and on their production of the required records and on payment of the charges due to be paid by them for the grant of the electricity service connections. On the petitioners fulfilling the necessary requirements, the first and the second respondents are to grant the electricity service connections, within a period of six weeks thereafter.

8. However, it is made clear that the grant of electricity service connections to the premises of the petitioners, by the respondent Tamil Nadu Electricity Board, shall not, in any way, vest any additional right or interest in the petitioners, in respect of the property in question. Further, it would not be open to the petitioners to claim that they have established their title, in respect of the property concerned, by obtaining the electricity service connections from the respondent Tamil Nadu Electricity Board.

The writ petitions are disposed of, with the above directions.
No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

csh

To

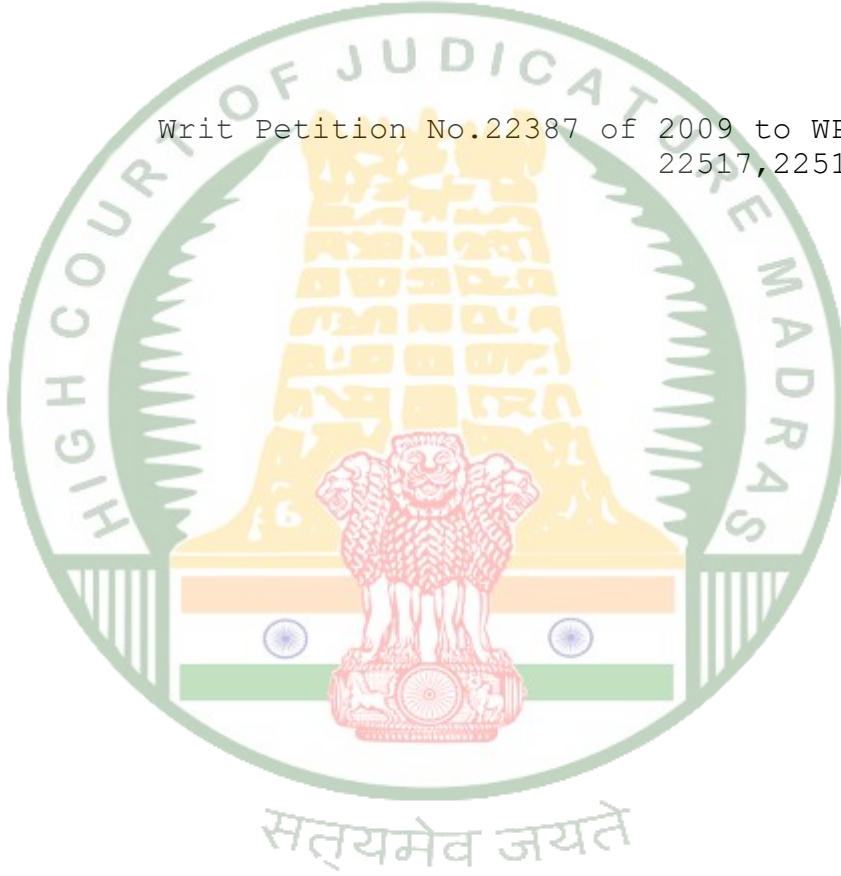
1.The Superintending Engineer,
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2.The Asst. Executive engineer,
O & M Usman Road, CEDC Central,
Tamil Nadu Electricity Board, Chennai-600 017.

+1cc to Mr.M.Venkatakrishnan,Advocate Sr 13342
+1cc to Mr.A.Selvendran, Advocate Sr 14210

RJ(CO)
km/4.3.

Writ Petition No.22387 of 2009 to WP 22400/2009 &
22517,22518 & 22520/2009



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