

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13415 of 2015

M.Gopal

.. Petitioner

V.

1.The Assistant Executive Engineer/O&M/Suburban,
Tamil Nadu Electricity Board,
Narasinga Puram - 636 108,
Attur Taluk, Salem District.

2.M.Velayudham

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified mandamus to call for the records relating to the impugned proceedings in Lr.No.A.E.E./Dis & Su/Sub/Urban Div.Sep/No.212/15 dated 13.01.2015 passed by the 1st Respondent and to quash the same and to direct the 1st respondent to provide domestic electricity connection to the petitioner house situated in survey No.41/2 measuring 44.5 cents Jari Kotham Padi Majira Village, Kothampadi group Attur (Taluk) Salem (District).

For Petitioner ... Mr.M.Vivekanandan
For 1st Respondent ... Mr.S.K.Rameshwar
For 2nd Respondent ... Mr.T.S.Vijaya Raghavan

ORDER

The petitioner has filed an application before the first respondent for grant of electricity connection for his residential premises. The first respondent appears to have been ready and willing to grant the connection but for the objection raised by the second respondent, who is none other than the petitioner's brother.

2.It appears that the second respondent sent a legal notice to the first respondent objecting to the grant of electricity service connection to the petitioner for his property. The first respondent, on receipt of the legal notice, sent a reply to the petitioner, which is impugned in this writ petition, stating that while the first respondent is ready and willing to grant the electricity service connection, on account of the objection

raised by the second respondent, they are unable to proceed further in the matter and have requested the petitioner to set right the difference between the petitioner and the second respondent.

3. In my view, no useful purpose would be served in keeping the writ petition pending, since the matter could be resolved if the petitioner appears before the first respondent with the necessary documents, which according to him clearly establishes his title over the property and explain to the first respondent that the petitioner is seeking electricity connection to his individual property which he has been given under a deed of partition dated 14.09.2004 registered as Document No.1581/2004 on the file of the Sub Registrar, Pudukothambadi. The petitioner also in possession of the patta issued in his favour to state that he is the absolute owner of the property in question.

4. The learned counsel for the petitioner submitted that the petitioner has already paid the necessary fees and the first respondent be directed not to insist of payment of another set of fees. The submission is well found and the first respondent shall proceed with the application made by the petitioner already made, for which the fee has already been collected.

5. The learned counsel appearing for the second respondent on instruction submitted that the second respondent is aggrieved because the proposed electricity supply line may pass through his property and they do not have any objection if it is drawn through the petitioner's property.

6. In the light of the above, the Writ Petition is disposed of by directing the petitioner to appear before the first respondent with all the documents so as to establish before the first respondent that the objection raised by the second respondent is frivolous and on the petitioner complying with the above direction, the first respondent shall issue notice to the petitioner as well as the second respondent who are the parties and pass fresh orders on merits and in accordance with law within a period of three weeks from the date on which the petitioner appears. No costs.

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-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

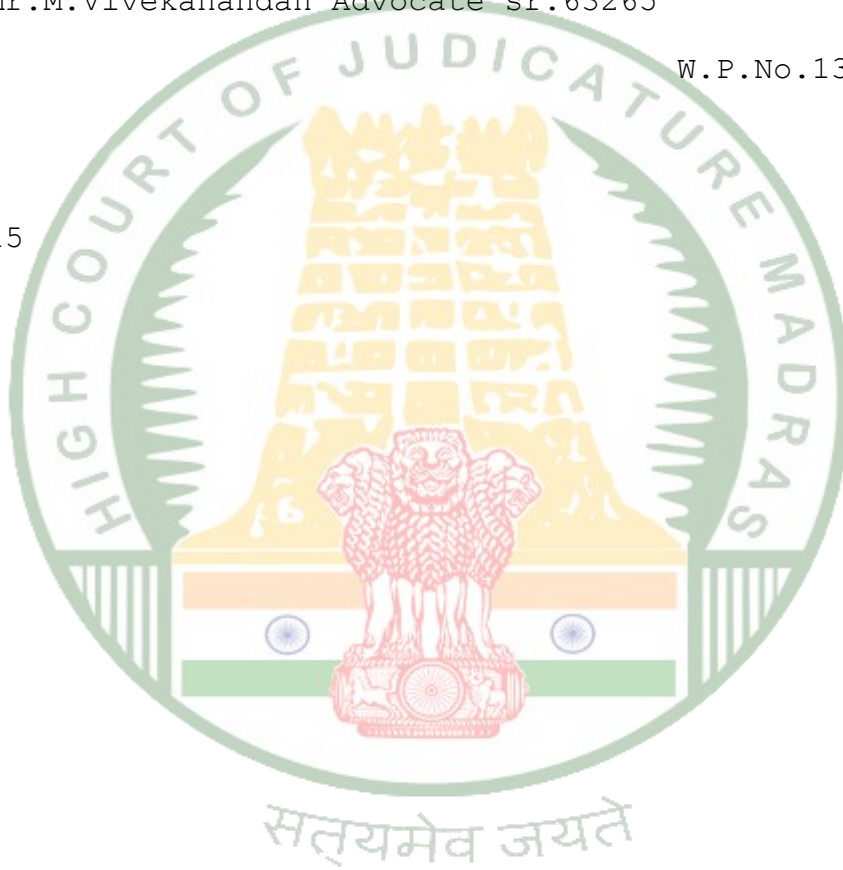
To

The Assistant Executive Engineer/O&M/Suburban,
Tamil Nadu Electricity Board,
Narasinga Puram - 636 108,
Attur Taluk, Salem District.

+1 cc to Mr.T.S.Vijayaraghavan Advocate sr.63788
+1 cc to Mr.S.K.Rameshuwar Advocate sr.63720
+1 cc to Mr.M.Vivekanandan Advocate sr.63265

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