

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.15759 of 2015

Nallammal

... Petitioner

- Vs -

- 1.The Executive Engineer,
[Operation and Maintenance],
Tamilnadu Generation of Electricity
and Distribution Corporation Ltd.,
Sankari, Salem District.
- 2.The Assistant Engineer,
Tamilnadu Generation of Electricity
and Distribution Corporation Ltd.,
McDonold Chouldry 637 103,
Salem District.
- 3.D.Usha
- 4.Muthulakshmi
- 5.K.Varadharajan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 and 2 to grant electricity service connection to the petitioner's house bearing D.No.4/57-II constructed in S.No.241/1B, A.Pudur Village, Sankari Taluk, Salem District by rejecting the objection raised by the respondents 3 to 5 for drawing E.B. Lines across the Panchayat road and without insisting her to get a way leave by considering her representation dated 03.04.2015.

Petitioner : Mr.N.Manokaran

For Respondents : Mr.S.K.Raameshuwar

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner claims that she has purchased a piece of land measuring to an extent of 2 ½ cents in S.No.241/1B, Pudur Village, Sankari Taluk by means of a registered sale deed [vide Doc.No.6887 of 2011] from one Sri.P.Palanisamy and three others.

The petitioner further stated that after purchase of the said land, she had put up a superstructure and started living there with her family and the said premises is not provided with any electricity service connection. According to the petitioner, the said house has been assessed to statutory levy.

3. The petitioner further stated that she submitted an application dated 26.12.2014 seeking to provide electricity service connection and it was registered as Application No.216/2014-2015 on 26.12.2014. Subsequently, the 2nd respondent has prepared an estimate and forwarded the application to the 1st respondent for approval and necessary action and the the 1st respondent, in turn, has also approved the estimate by his proceedings dated 02.01.2015 vide approval No.626/A64/392/2014-2015. In fact, the 1st respondent has started preliminary work in erecting the poles for the purpose of providing electricity service connection. While so, the respondents 3 to 5 had raised their objection in drawing the electricity lines across the panchayat road on the ground that they would be affected. The 2nd respondent taking note of the objection raised by the respondents 3 to 5, sent a communication dated 07.03.2015 to the petitioner calling upon her to set right the objection. The petitioner immediately sent a reply dated 03.04.2015 to the respondents 1 and 2 explaining among other things that respondents 3 to 5 can not have any right, title or interest over the panchayat road. While so, the 2nd respondent once again sent a communication dated 09.04.2015 reiterating his earlier communication dated 07.03.2015. In this regard, on 18.04.2015, the petitioner issued a suitable legal notice also through her counsel explaining the position to the electricity authority. Despite the above, the electricity authority did not respond to the request made by the petitioner for electricity service connection. Hence, the petitioner has come forward with this writ petition.

4. Heard Mr.N.Manokaran, the learned counsel for the petitioner and Mr.S.K.Raameshuwar, the learned standing counsel who accepts notice for the respondents 1 and 2.

5. This court, taking into consideration of the limited scope of the relief sought for by the petitioner, without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider the representation dated 03.04.2015 made by the petitioner in accordance with law after putting on notice the respondents 3 to 5 and pass appropriate orders on the same within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the respondents 3 to 5.

6. This writ petition is, accordingly, disposed of.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

kmk

To

- 1.The Executive Engineer,
[Operation and Maintenance],
Tamilnadu Generation of Electricity
and Distribution Corporation Ltd.,
Sankari, Salem District.
- 2.The Assistant Engineer,
Tamilnadu Generation of Electricity
and Distribution Corporation Ltd.,
Mcdonold Chouldry 637 103,
Salem District.

- 1 cc to Mr.N.Manokaran, Advocate, Sr. 26797
1 cc to Mr.S.K.Raameshuwar, Advocate, Sr. 27380

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NM (CO)
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