

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM:

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.17021 of 2015

G.Nachimuthu Gounder

.. Petitioner

vs.

The Assistant Engineer,
TANGEDCO, Palladam,
Tiruppur District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to provide electricity service connection to the petitioner's residential house at Ottan Thottam, Panikkapatti Village by considering the petitioner's applications dated 26.11.2014 and 18.03.2015.

For petitioner : Mr.N.Ponraj

For respondent : Mr.S.K.Raameshuwar
Standing Counsel for TNEB

ORDER

The petitioner is residing at Ottan Thottam, Panikkapatti Village and he is a lessee under one Sivasamy and others in respect of 18.55 acres lands situate in S.F.No.1, 1/1, 1/2, 1/3, Ottan Thottam, Pankikkampatti Village right from 1955. Since the building which is occupied by the petitioner was in dilapidated condition, the petitioner constructed a new house in the same land and requested the respondents by letter dated 26.11.2014 to provide electricity connection. The said representation was rejected stating that the land belongs to Sivasamy and others and a dispute is pending between them in Na.Ka.No.5616/2014 before the Tahsildar, Palladam. Therefore, the petitioner has come before this Court seeking for a Writ of Mandamus directing the respondent to provide electricity connection.

2. Heard Mr.N.Ponraj, learned counsel appearing for the petitioner and Mr.S.K.Raameshuwar, learned standing counsel appearing for the resident.

3. The only contention raised by Mr.S.K.Raameshuwar, learned standing counsel for the respondent is that there is no document showing that the petitioner is in lawful possession of the property.

4. A perusal of the Advocate Commissioner's Report filed in O.S.No.147 of 2014 filed by the petitioner against Sivasamy and others would show that the petitioner is a lessee in respect of the suit property and it has been admitted by the landlord's clerk stating that the landlord has been receiving the rent from the petitioner. Therefore, the said Advocate Commissioner's Report would make it clear that the petitioner is in possession of the property.

5. In view of that, the petitioner is directed to submit a fresh application in the format and the respondent is directed to consider the application as per law and give electricity connection to the petitioner on payment of appropriate charges within a period of one week from the date of receipt of the application filed by the petitioner. It is made clear that giving electricity connection in no way will confer any right on the petitioner. Accordingly, the Writ Petition is disposed of. No costs.

Call the matter "for complaine" after two weeks.

asvm

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Assistant Engineer,
TANGEDCO, Palladam,
Tiruppur District.

2. The Section Officer,
Writ Section, High Court,
Madras. (Post after two weeks)

+ 1 cc to Mr.S.K.Raameshuwar, Advocate, SR 47102

+ 1 cc to Mr.N.Ponraj, Advocate SR 48292/7.9.2015

ts(co)
prk2/9

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