

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.07.2015

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.22581 of 2015

S.Malaiyathal

... Petitioner

-Vs-

The Executive Engineer,
Tamilnadu Electricity Board,
Udumalpet.

... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondent to give service connection to the petitioner's ands for electric motor pump set in S.F.No.91/2 in Kuruchikottai Village, Udumalpet Taluk, Tiruppur District as per the petitioner's representation dated 12.05.2015.

For Petitioner : Mr.S.Gunalan
For Respondents : Mr.S.K.Raameshwar

O R D E R

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

2. The petitioner would state that her father has executed a registered maintenance deed bearing document No.474/1942 in respect of the land in S.Nos.91 and 92 Kurichikottai Village, Udumal Taluk, Tirupur District in the name of the petitioner and her sister and the petitioner along with her sister had been enjoyed the property and her sister died 35 years ago and after her demise, the petitioner claims to be in exclusive possession and enjoyment of the same.

3. The petitioner submitted a representation to the respondent for electricity service connection to energise electricity for motor pump for the purpose of irrigating the said land and the same was registered in registration No.EEU489/2006-2007. The petitioner also paid necessary charges for the same. The respondent sent a communication dated 09.08.2008 to the petitioner about the readiness to effect service connection and asked the petitioner to provide necessary certificate on or before 15.10.2008. In this connection, the respondent also sent a communication dated

04.06.2009. However, the respondent could not proceed further for the reason that the daughter of the petitioner has sent an objection for the grant service connection in favour of the petitioner stating that a suit in O.S.No.244/2009 on the file of District Munsif Court, Udumalpet, is pending. The petitioner would state that the suit was dismissed for default on 17.6.2011 and hence, there cannot be any impediment on the part of the respondent to provide her with the service connection . In this regard, she submitted a representation dated 12.05.2015 to the respondent. Since no order has been passed, she came forward to file this writ petition.

4. Heard the submission of the learned counsel for the petitioner and Mr.S.K. Raamesawar, learned Standing counsel for Electricity Board who accepts notice on behalf of the respondent.

5. Though the petitioner has sought for a larger relief, this Court, in the light of the facts and circumstances of the case, without going into the merits of the case, directs the respondent to consider the representation of the petitioner dated 12.05.2015 in accordance with law and pass orders 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 .

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

vsi

To

The Executive Engineer,
Tamilnadu Electricity Board,
Udumalpet.

1 cc to Mr.S.Gunalan , Advocate Sr.No.38154

1 cc to Mr.S.K.Raameshawar , Advocate Sr.No.38468

nm(co)

pmk.12.8.2015

W.P.No.22581 of 2015

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