

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.24752 of 2015

Arulmurugan

.. Petitioner

V.

1.The Superintending Engineer,
Tamil Nadu State Electricity Board,
Cuddalore, Tamil Nadu.

2.The Assistant Engineer,
Tamil Nadu State Electricity Board,
Kattumannarkoil, Cuddalore District.

3.V.Rajendiran
(R3 impleaded suo motu as per order dated 11.08.2015).. Respondents
in WP.NO.24752 of 2015]

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to provide an electricity connection to the petitioner for his residential house bearing RS.No.101/1B, Attrangarai Street, Kandamangalam P.O, Kaatumannarkoil Taluk, Cuddalore District, Tamil Nadu within a stipulated time.

For Petitioner .. Mr.P.R.Thiruneelakandan

For Respondents 1 & 2 .. Mr.M.Varunkumar

ORDER

Heard the learned counsel for the petitioner and the learned Standing counsel appearing for the respondents 1 and 2 and with their consent, the writ petition is taken up for final disposal.

2. The petitioner has filed the present writ petition praying for issuance of writ of mandamus to direct the respondents to provide an electricity connection for his residential house in RS.No.101/1B, Attrangarai Street, Kandamangalam P.O, Kaatumannarkoil Taluk, Cuddalore District.

3. The third respondent has objected to the grant of electricity service connection by stating that a civil suit is pending in respect of the land in question. The learned counsel for the petitioner submitted that the suit is in respect of a larger extent and the petitioner is ready and willing to restrict his claim for the purpose of securing electricity connection to an extent of 10 cents in S.F.No.101/1B. This concession made on behalf of the petitioner was recorded by this Court in its order dated 11.08.2015 which reads as follows:

"It is seen that one Mr.V.Rajendiran, S/o.Veerasamy, residing at Pilliar Koil Street, Kandamangalam Village & Post, Kattumannarkoil Taluk, Cuddalore District, has filed a suit in O.S.No.41 of 2015 praying for relief against the petitioner and other respondents in respect of the same property. Therefore, the said V.Rajendiran is a necessary party and this Court on suo motu impleads him as third respondent.

2. Mr.M.Varunkumar, learned standing counsel for TNEB takes notice on behalf of the respondents 1 and 2. Notice to the third respondent returnable by 26.08.2015.

3. The petitioner is also directed to file an affidavit to the effect that he is claiming only 10 cents in S.F.No.101/1B and he is not claiming 3.75 cents in excess of 10 cents by the next hearing.

Post the case on 26.08.2015."

4. The learned counsel for the petitioner reiterates the above submission and submits that the petitioner is ready and willing to restrict his claim only for 10 cents and not for the total extent which is the subject matter of the civil dispute in O.S.No.41 of 2015.

5. In the light of the above, the writ petition is disposed of and the matter is remanded to the second respondent for fresh consideration and the petitioner shall appear before the second respondent by enclosing a copy of this order and also along with the written representation restricting his claim and if such representation is received, the second respondent shall issue notice

to the petitioner and the third respondent who are the parties and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date on which the representation is submitted by the petitioner to the second respondent. No costs.
Sgl

Sd/-
Assistant Registrar (CS-VII)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintending Engineer,
Tamil Nadu State Electricity Board,
Cuddalore, Tamil Nadu.
2. The Assistant Engineer,
Tamil Nadu State Electricity Board,
Kattumannarkoil, Cuddalore District.

+1 C.C. To MR.M.Varunkumar, Advocate in SR.NO.63872

+1 C.C. To MR.P.R.Thiruneelankandan, Advocate in SR.NO.63873

W.P.No.24752 of 2015

VSN(CO)
sd : 30/11/2015

सत्यमेव जयते
WEB COPY