

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.33872 of 2015

and

M.P.No.1 of 2015

Rajappa

[PETITIONER]

Vs

The Assistant Engineer,
Tamilnadu Electricity Board,
Bagalaur (Rural), Bagalur,
Mugalapalli Hosur-Taluk,
Krishnagiri District 635 109

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the respondent herein to provide temporary electricity connection in favour of the petitioner's name for electricity connection in respect of the property in Pimash No.54, 57 and 95 admeasuring 1.50 acre, Elayasandiram Village, Hosur Taluk, Krishnagiri District.

For Petitioner : S. Jayakumar

For Respondent : Mr.M.Varunkumar

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.S.Jayakumar, learned Counsel appearing for the petitioner, Mr.M.Varunkumar, learned Counsel appearing for the respondent.

3. The petitioner seeks for a direction to the respondent to provide Temporary electricity connection in his favour in respect of property in Pimash No.54, 57 and 95 admeasuring 1.50 acre, Elayasandiram Village, Hosur Taluk, Krishnagiri District.

4. The learned standing Counsel appearing for the respondent Board earlier submitted that there was an objection to grant of temporary electricity supply in favour of the petitioner. This court adjourned the matter to enable the Board to furnish the name of the objector. However, the name has not been furnished by the respondent and therefore the learned Standing Counsel is unable to place before this Court.

5. In my view, instead of keeping the Writ Petition

pending, the respondent may be directed to decide the matter in one way or the other, since already the respondent has collected a sum of Rs.15,400/- from the petitioner.

6. In the light of the above, the respondent is directed to issue notice to the petitioner as well as to the Objector whose name is now stated to be Mr.Ramesh, call both persons to appear before him and examine and what basis the objector in objecting to the grant of temporary electricity connection to the petitioner. If the objections are not justifiable or illegal, then the respondent shall proceed to take action in accordance with law, within a period of four weeks from the date of conclusion of enquiry.

7. The learned counsel for the petitioner submits that even assuming that there is an objection by the third party, the Board can always obtain an Indemnity Bond from the petitioner and grant temporary electricity connection so that the Board will not be put to any prejudice or hardship in the event of giving connection.

8. This aspect of the matter shall also be taken note of by the respondent.

The Writ Petition is disposed on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rpa

To
The Assistant Engineer,
Tamilnadu Electricity Board,
Bagalaur (Rural), Bagalur,
Mugalapalli Hosur-Taluk,
Krishnagiri District 635 109

+1 cc to Mr.M.Varunkumar, Advocate, sr.60651

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ak co
kra 23.11.2015