

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2015

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.39242 of 2015

D.Balasubramaniam

[PETITIONER]

Vs

- 1 The Chairman
O/o. Tamil Nadu Electricity Board
Anna Salai, Chennai-600 002.
- 2 The Assistant Engineer
Operation and Maintenance/Town
Tamil Nadu Electricity Board
Arachchalur, Erode District.
- 3 S.Ramasamy

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus, to direct the 1st and 2nd respondents to forthwith give 5 HP electricity service connection to the petitioner WELL situated in S.F.No.768/2, Old S.F.No.637/B, Srinivasapuram, Attavanai, Hanumanpalli Post Arachchalur via Erode District by considering his explanation dated 07.12.2015.

For Petitioner ... Mr.D.Balachandran

For Respondents .. Mr.S.K.Rameshuwar 1 & 2

ORDER

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

2.Heard Mr.D.Balachandran , learned Counsel appearing for the petitioner & Mr.S.K.Rameshuwar, learned counsel who accepted notice on behalf of the respondents 1 & 2.

3.The petitioner seeks for issuance of a writ of mandamus to direct the first and second respondents to forthwith give 5 HP

electricity service connection to the petitioner Well situated in S.F.No.768/2, Old S.F.No.637/B, Srinivasapuram, Attavanai, Hanumanpalli Post Arachchalur via Erode District by considering his explanation dated 07.12.2015.

4.It appears that the petitioner and the third respondent are co-sharer in a Well situated in the said land and there is already an electricity service connection in the name of third respondent to draw water from the said well. It is seen that the third respondent has given objection to the second respondent stating that the electricity pole is located in his land and electricity should not be drawn from that pole as it would affect him. Therefore, notice was issued to the petitioner on 02.12. 2015 and on receipt of the same, the petitioner sent a reply on 07.12.2015. Now, the petitioner seeks for consideration of the reply and for effecting service connection.

5.Since the writ petition is disposed of without notice to the third respondent, no positive direction can be granted in this writ petition at this stage of the matter. However, the second respondent should take a final decision in the matter and examine as to the validity of the objection given by the third respondent, since it is stated that the properties are ancestral properties and the petitioner is the co-sharer in the said Well. In this regard, the petitioner has also referred to a Partition Deed dated 27.08.1993 registered as Document No.636 of 1993.

6.In the light of the above, the second respondent is directed to issue notice to the petitioner as well as to the third respondent, conduct an enquiry into the matter, examine the documents and also conduct a spot inspection and examine the feasibility of drawal of the line and thereafter pass appropriate orders on merit and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1 The Chairman
O/o. Tamil Nadu Electricity Board
Anna Salai, Chennai-600 002.
- 2 The Assistant Engineer
Operation and Maintenance/Town
Tamil Nadu Electricity Board
Arachchalur, Erode District.

+lcc to Mr.S.K.Ramashwar, Advocate, S.R.No.67455

+lcc to Mr.D.Balachandran, Advocate, S.R.No.67102

W.P.No. 39242 of 2015

msm(CO)
srg(06/01/2016)



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