

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.3.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

W.P.No.7394 of 2015
and M.P.No.1 of 2015

L. Somasundar Petitioner

vs

1. The Superintendent Engineer,
O & M TANGEDCO
Hosur, Krishnagiri District

2. The Assistant Engineer,
O & M TANGEDCO
Bathalapalli, Hosur Taluk
Krishnagiri Distirict

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the Impugned letter dated 20.2.2015 in Lr.No.Uo Po/E Pa/Pa Palli/Ko/Vi.No.385/14-15 issued by the second respondent and quash the same and consequently direct the respondents to provide electricity connection to the petitioner's house situated in Survey No.78/2, Kumudepalli Village, Thorapalli Agraharam Panchayat, Hosur Taluk, Krishnagiri District.

For petitioner : Mr.A. Swaminathan
For respondents : Mr.M.Varun Kumar
Standing Counsel (TNEB)

ORDER

The petitioner has filed the above writ petition for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the Impugned letter dated 20.2.2015 in Lr.No.Uo Po/E Pa/Pa Palli/Ko/Vi.No.385/14-15 issued by the second respondent and quash the same and consequently direct the respondents to provide electricity connection to the petitioner's house situated in Survey No.78/2, Kumudepalli Village, Thorapalli Agraharam Panchayat, Hosur Taluk, Krishnagiri District.

2. Mr.M. Varun Kumar, learned Standing Counsel takes notice for the respondent Electricity Board and by consent of both sides, the main writ petition has been taken up for final hearing.

3. It is the case of the petitioner that his ancestors owned huge extent of property in Kumudepalli villages and other places and that his father Linga Reddy had executed a Settlement Deed in his favour, settling 5 cents of land in Survey No.78/2, Kumudepalli village, Thorapalli Agraharam Panchayat, Hosur Taluk, Krishnagiri District on 16.12.2012. After execution of the Settlement Deed, the petitioner constructed a residential house and sought for electricity connection and also paid the necessary charges and deposits on 29.01.2015. The second respondent also issued the necessary receipts for the same.

4. On 13.2.2015, the second respondent issued a letter, stating that the President of Panchayat Union had objected to the grant of service connection to the petitioner for the reason that litigations are pending in respect of Survey No.78/2. Pursuant to the letter dated 13.2.2015, the petitioner produced necessary documents in respect of the land. Thereafter, on 20.2.2015, the second respondent passed the impugned order stating that the electricity service connection would be provided only after disposal of the litigation.

5. On enquiry, the petitioner came to know that his father had filed a Writ Petition in W.P.No.3624 of 2013 before this Court restraining the respondents from constructing the integrated male sanitary complex at Kumudepally village in Survey No.78/2. Challenging the impugned order, the petitioner has filed the above writ petition.

6. Heard Mr.A. Swaminathan, learned counsel for the petitioner and Mr. M. Varun Kumar, learned Standing Counsel for the respondents Electricity Board and the learned Standing Counsel for the respondents Electricity Board has produced the letter, given by the President of Panchayat Union, objecting to the grant of electricity service connection to the petitioner.

7. When the matter is taken up today for hearing, the learned counsel for the petitioner filed an additional typed set of papers, enclosing the affidavit and petition in W.P.No.3624 of 2013 and also the interim order passed in M.P.No.1 of 2013 in W.P.No.3624 of 2013.

8. On perusal of the affidavit, filed in support of the petition, it is clear that the respondents herein are not the parties to the above said writ petition, whereas, the President of Panchayat Union was arrayed as seventh respondent in the above said writ petition in W.P.No.3624 of 2013. The prayer sought for in the writ petition is to issue a Writ of Mandamus forbearing the respondents from constructing the integrated male sanitary complex at Kumudepally village in Survey No.78/2, without following due process of law.

9. This Court, by Order dated 14.2.2013, granted an order of interim injunction and the same was extended on 22.4.2013 in M.P.No.1 of 2013. The petitioner has also enclosed the photographs of his house property. It is needless to say that supply of electricity is a basic necessity and therefore, the petitioner is entitled to get service connection. Further, mere granting of service connection shall not confer any title or right in respect of the property in dispute. In otherwords, the petitioner shall not be in an advantageous position, if electricity service connection is granted to him.

10. Since the petitioner is deprived of the electricity service connection, I am of the view that the pendency of the Writ Petition in W.P.No.3624 of 2013 shall not stand in the way of getting a service connection.

11. In these circumstances, the impugned letter dated 20.2.2015 in Lr.No.Uo Po/E Pa/Pa Palli/Ko/Vi.No.385/14-15, issued by the second respondent, is set aside and the respondents are directed to provide electricity service connection to the petitioner's house, situated

in Survey No.78/2, Kumudepalli Village, Thorapalli Agraharam Panchayat, Hosur Taluk, Krishnagiri District, if the application submitted by the petitioner is otherwise in order, within a period of two weeks from the date of receipt of copy of this order.

12. With the above observation, the writ petition is allowed. No costs. Consequently, connected MP is closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

sr

To

1. The Superintendent Engineer,
O & M TANGEDCO
Hosur, Krishnagiri District

2. The Assistant Engineer,
O & M TANGEDCO
Bathalapalli, Hosur Taluk
Krishnagiri Distirict

+1cc to Mr.M.Varunkumar, Advocate SR.No.15938

+1cc to M/s.Mass Associates, Advocate SR.No.15746

W.P.No.7394 of 2015

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