



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.17643 of 2015

R.Kannan

...Petitioner

Vs.

1.The Junior Engineer,
Distribution/Urban,
TANGEDCO, Shanthi Nagar,
Palayamkottai, Tirunelveli.

2.The Executive Officer,
Arulmigu Venkatachalapathy Temple,
Thimmarajapuram, Palayamkottai Taluk,
Tirunelveli.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to give electricity supply to the petitioner's house in Door No.28, Andal Street, situated at Thimmarajapuram Village, Palayamkottai Taluk, Tirunelveli District, without insisting NOC to be obtained from the second respondent.

For petitioner : Mr.T.Selvan

For Respondents : Mr.G.Kasinathadurai for R-1

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the first respondent to give electricity supply to the petitioner's house in Door No.28 situated at Andal Street, Thimmarajapuram Village, Palayamkottai Taluk, Tirunelveli District, without insisting NOC to be obtained from the second respondent.

2. Heard the learned counsel for the petitioner and Mr.G.Kasinathadurai, learned counsel, who takes notice for the first respondent. In view of the order going to be passed, there is no need to issue notice to the second respondent.

3. By consent, this Writ Petition itself is taken up for final disposal.

4.The Writ Petition is relating to grant of electricity service connection for the residential premise.

5.The Electricity Board is objecting for giving electricity service connection only on the ground that the petitioner has to get No Objection Certificate from the second respondent.

6. According to the petitioner, he is not a party to the civil suit filed by the second respondent in O.S.No.745 of 1965 on the file



of the Principal District Munsif Court, Tirunelveli and therefore, there is no need for any no objection certificate. The learned counsel for the petitioner relied upon an unreported judgment of this Court in W.P(MD)Nos.17667 to 17671 of 2014, dated 03.11.2014, whereby this Honourable Court has passed an order directing the authorities to consider the petitioner's application in the light of the judgment of the Division Bench of this Court and pass appropriate orders after giving notice to all the parties concerned. The learned counsel for the petitioner would also submit that the petitioner will give necessary documents pertaining to their property and establish his right and then seek for service connection.

7. The learned standing counsel appearing for the first respondent would contend that the first respondent will enquire in respect of the right of the petitioner after giving notice to the second respondent by following the earlier order of this Honourable Court.

8. Taking into account that the petitioner needs electricity service connection for his residential house, the authorities will consider the same in accordance with law as per the order passed by this Court in W.P(MD)Nos.17667 to 17671 of 2014, dated 03.11.2014, following the Division Bench judgments of this Court, the petitioner is hereby directed to approach the authority concerned with all relevant documents, viz., family card, nativity certificate and copy of the sale deed as proof of purchase etc., and on such receipt of the application, the authority shall also issue notice to the second respondent and call for an enquiry and then pass appropriate orders as expeditiously as possible.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Junior Engineer, Distribution/Urban,
TANGEDCO, Shanthi Nagar, Palayamkottai, Tirunelveli.
- 2.The Executive Officer, Arulmigu Venkatachalapathy Temple,
Thimmarajapuram, Palayamkottai Taluk, Tirunelveli.

+1cc to Mr.T.Selvan, Advocate Sr.No.57637

akm/08.10.2015 /2p-4c/

W.P (MD) .No.17643 of 2015
30.09.2015