

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.37198 of 2015

Subramaniam

.. Petitioner

Versus

1.The Chairman,
Tamil Nadu Electricity Board,
Mount Road,
Chennai,

2.The Executive Engineer,
Tamil Nadu Electricity Board,
Kangeyam,
Tiruppur District.

3.The Assistant Engineer(O&M),
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Kavundampalayam,
Kangeyam Taluk,
Tiruppur District.

4.K.N.Kandasamy

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the third respondent to give electricity connection to the petitioner's house at Re.S.F.No.29/1, Karapalayam, Kangeyampalayam Village, Kangeyam Taluk, Tiruppur District.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.S.K.Rameshwar for RR1 to 3

: Mr.D.Suriyanarayanan for R4.

ORDER

Heard Mr.M.Guruprasad, learned counsel appearing for the petitioner, Mr.S.K.Rameshwar, learned counsel appearing on behalf of respondents 1 to 3 and Mr.D.Suriyanarayanan, learned counsel who accepts notice on behalf of fourth respondent and with their consent, this writ petition is taken up for final disposal.

2. The petitioner has filed the present writ petition praying for issuance of a writ of mandamus to direct the third respondent to give electricity service connection to the petitioner's house at Re.S.F.No.29/1, Karapalayam, Kangeyampalayam Village, Kangeyam Taluk, Tiruppur District.

3. The petitioner had initially suggested the route through which the electricity line can be drawn. However, due to the objections raised by the fourth respondent, the President, Vadachinnaripalayam Panchayat, the line could not be drawn through the said route. Therefore, the petitioner had suggested another route and said to have been remitted a sum of Rs.20,560/- towards the cost that would be incurred.

4. Now, another objection is said to have been made by one Palanisamy Gounder. On the last hearing date, this Court had directed the first respondent Electricity Board to produce the copy of the objection given by the said Palanisamy Gounder. Accordingly, the same is placed before this Court today.

5. On a perusal of the said objection, it is seen that the said Palanisamy Gounder has stated that he proposes to construct a house in the vacant land and if line is drawn as proposed by the respondent Board, he would be prejudiced.

6. The petitioner is entitled for grant of electricity supply. Already he has suggested an alternate route and the respondent Board has to examine whether the objections made for the alternate route is proper or if it is only a mere formal objection.

7. The learned counsel appearing for the petitioner would state that the objection given by the said Palanisamy Gounder is at the behest of the fourth respondent. However, this cannot be gone into. Further, this allegation cannot be examined since the said Palanisamy Gounder is not a party in this writ petition. Be that as it may. The petitioner has got a right to get electricity service connection. Therefore, the respondent Board has to examine the application on the route suggested by the petitioner and also simultaneously take note of any objection which is being raised and examine whether the objections are proper and genuine and then to take a decision in the matter.

8. The respondent Board shall take action keeping in mind that the petitioner has been waiting on account of the certain objections being raised, which according to the petitioner, are frivolous and without any basis.

9. In the result, the writ petition is disposed of by directing the third respondent to examine an alternate route suggested by the petitioner for which he has already remitted

necessary charges on 31.07.2015 itself. The third respondent should examine as to whether the objection made for the said alternate route is a genuine objection and thereafter proceed in accordance with law so as to enable the petitioner to obtain the domestic service connection. The above direction shall be complied with within a period of three weeks from the date of receipt of a copy of this order. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Chairman,
Tamil Nadu Electricity Board,
Mount Road,
Chennai,
- 2.The Executive Engineer,
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- 3.The Assistant Engineer(O&M),
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Kavundampalayam,
Kangeyam Taluk,
Tiruppur District.

+1 cc to M/S.M.Guruprasad Advocate sr.4385/16
+1 cc to Mr.S.K.Rameshuwar Advocate sr.3984/16

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