

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.10815 of 2017

M.Gopalakrishnan

... Petitioner

Vs

1. The Chairman,
Tamil Nadu Electricity Board,
Chennai -2.
2. The Assistant Engineer,
Operation & Maintenance
Tamil Nadu Generation and Distribution
Corporation Ltd.
Chinnapuththur Village,
Dharapuram Taluk,
Tiruppur District.

3. P.Nataraj

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus directing the second respondent to provide electricity service connection to the petitioner's residential house at S.F.No.730/2A, Therkalathottam, Chinnapuththur Village, Dharapuram Taluk, Tiruppur District.

For Petitioner : Mr.N.Ponraj

For R1 and R2 : Mr.S.K.Raameshuwar

For R3 : Mr.N.Srinivasan

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of Mandamus, directing the second respondent to provide electricity service connection to the petitioner's residential house at S.F.No.730/2A, Therkalathottam, Chinnapuththur Village, Dharapuram Taluk, Tiruppur District.

2. It is the case of the petitioner that he is residing in the above said address along with his family and that, they

are using only hurricane lamp for their day today activities and spending most of the time in darkness. Hence, he gave a representation dated 26.12.2016 to the respondents, along with all the necessary documents to provide electricity service connection for his house. Pursuant to the same, permission was granted on 02.01.2017 and the petitioner has paid necessary charges as demanded by the second respondent. However, on 08.03.2017, the second respondent has insisted the petitioner to get no objection certificate from the third respondent, who is claiming right over the common pathway, through which, service connection has to be given. It was further informed to the petitioner that the third respondent has already given objection for granting electricity service connection to the petitioner, as he has filed a suit in O.S.No.145 of 2015 before the learned District Munsif, Dharapuram seeking for declaration and for mandatory injunction, which is pending. Hence, the petitioner has approached this Court with the above writ petition for the above stated relief.

3. The third respondent filed a counter affidavit, wherein, it is stated that he has filed a suit in O.S.No.145 of 2015 before the District Munsif Court, Dharapuram for declaration and for mandatory injunction and the petitioner has encroached his pathway and that, the petitioner has no right over the said pathway in any manner whatsoever.

4. The respondents 1 and 2 have also filed a counter affidavit to the effect that the electricity line to the house of the petitioner, cannot be erected, without the consent of the third respondent.

5. Heard the learned counsel for the petitioner, learned Standing Counsel for the respondents 1 and 2 and the learned counsel for the third respondent.

6. Admittedly, there is a dispute over the land in question between the petitioner and the third respondent and in this regard, a suit is pending before the civil court. In view of the same, the petitioner is living along with his family, without having electricity service connection, which is a basic necessity for living. Under such circumstances, I am of the view that the petitioner should be given electricity service connection by the respondents 1 and 2.

7. Accordingly, I direct the second respondent to provide electricity service connection to the house of the petitioner situated at S.F.No.730/2A, Therkalathottam, Chinnapuththur Village, Dharapuram Taluk, Tiruppur District, within a period of two weeks from the date of receipt of a copy of this order. However, I make it clear that the petitioner cannot claim any right over the land in question, by taking advantage of this order. It is also made clear that the petitioner cannot claim any equity in the civil suit pending before the civil court.

8. With this observation, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Electricity Board,
Chennai -2.
2. The Assistant Engineer,
Operation & Maintenance
Tamil Nadu Generation and Distribution
Corporation Ltd.
Chinnapuththur Village,
Dharapuram Taluk,
Tiruppur District.

+1cc to Mr.N.Srinivasan, Advocate, S.R.No.57366
+1cc to Mr.N.Ponraj, Advocate, S.R.No.57650
+1cc to Mr.S.K.Raameshuwar, Advocate, S.R.No.57409

W.P.No.10815 of 2017

CS IV
CA(23/08/2017)

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