

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.06.2017

Coram

The Hon'ble Mr.Justice M.M.SUNDRESH

W.P.No.1086 of 2017

K. Udhayamaran

... Petitioner

Vs.

1. The Assistant Engineer,
Operation & Maintenance
Tamil Nadu Power Generate and
Distribution Corporation, Kariyapattinam,
Vedharanyam Taluk,
Nagapattinam District.
 2. The Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam District.
 3. M.Subramaniyan
 4. A.Karthikeyan
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records from the 1st respondent pertaining to the impugned proceedings E.Mi.Po/E.pa/Kariyai/Ko.Kattu/No.343/16 dated 09.12.2016 quash the same and consequently to direct the 1st respondent to provide electricity connection to the petitioner's premises at Vadamazhai & Manakkadu Post, Vedharanyam Taluk, Nagapattinam District in S.No.267/4.

For Petitioner : Mr.P.Chellapandian

For Respondent No.1 : Mr.P.Gunaraj

For Respondent No.2 : M/s.M.E.Raniselvam
Additional Government Pleader

For Respondents 3 & 4 : Mr.S.Kumaradevan

O R D E R

This writ petition has been filed for issuance of writ of Certiorarified Mandamus, to call for the records from the 1st respondent pertaining to the impugned proceedings E.Mi.Po/E.pa/Kariyai/Ko.Kattu/No.343/16 dated 09.12.2016 quash the same and consequently to direct the 1st respondent to provide electricity connection to the petitioner's premises at Vadamazhai & Manakkadu Post, Vedharanyam Taluk, Nagapattinam District in S.No.267/4.

2. The petitioner's mother purchased a land to an extent of 540 sq.ft. from the 4th respondent. The sale deed mentioned the survey number as S.No.263/20. According to the petitioner, it is a mistake as it is only S.No.267/4. The petitioner sought for service connection which was rejected by the impugned order on the ground that the wiring work has not been done by the petitioner.

3. Learned counsel appearing for the petitioner would submit that what is relevant is S.No.267/4. There is a mistake that has been committed in the sale deed. The impugned has been passed due to the objection of the respondents 3 & 4. The suits filed in O.S.No.48/2016 and O.S.No.99/2016 by the respondents 3 & 4 did not have any connection with S.No.267/4. Learned counsel would further submit that the petitioner does not want to take the service connection to S.No.264/13 & 264/15A as alleged by the respondents 3 & 4 and similarly, with respect to S.No.267/7A & 267/7C. Incidentally, it is submitted that the petitioner is willing to pay the charges required as mandatory in the impugned order and in such eventuality, the 1st respondent may be directed to do the needful.

4. Learned counsel appearing for the 1st respondent submit that connection upto a certain point will have to be made by the consumer. The connection was allegedly removed by the respondents 3 & 4. If this Court orders connection, which is otherwise to be made ready by the petitioner, the same can be done provided the petitioner pays the requisite charges.

5. Learned counsel appearing for the respondents 3 & 4 would submit that the petitioner seeks service connection through the lands of the respondent 3 & 4 and there is a dispute over the title. He would further submit that two suits are pending and therefore, no orders are necessary.

6. What the petitioner wants is a service connection. In view of the statement made by the learned counsel for the petitioner, such a connection need not be drawn through S.No.264/13 & 264/15A and S.No.267/7A & 267/7C. Therefore, the

1st respondent will have to give connection through the alternative way which is stated to be available. The pendency of the civil suits would not bar a service connection. Therefore, this Court is not willing to go into the issues with respect to the property, which is the subject matter of the civil suits or is the same property purchased by the petitioner. The service connection will not have a barring on the respective title claimed by the parties.

7. In such view of the matter, the 1st respondent is directed to effect the service connection to the petitioner in so far as the land which is to be drawn otherwise by the petitioner, considering the peculiar facts of the case, the same is directed to be done by the 1st respondent subject to the requisite payment by the petitioner. The needful will have to be done within a period of four weeks from the date of receipt of a copy of this order after the petitioner complies the requirements as indicated above. It is needless to state that this order does not have a barring on the pending suits and it is also subject to the judgment and decree to be rendered by the Civil Court.

8. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

raja

To

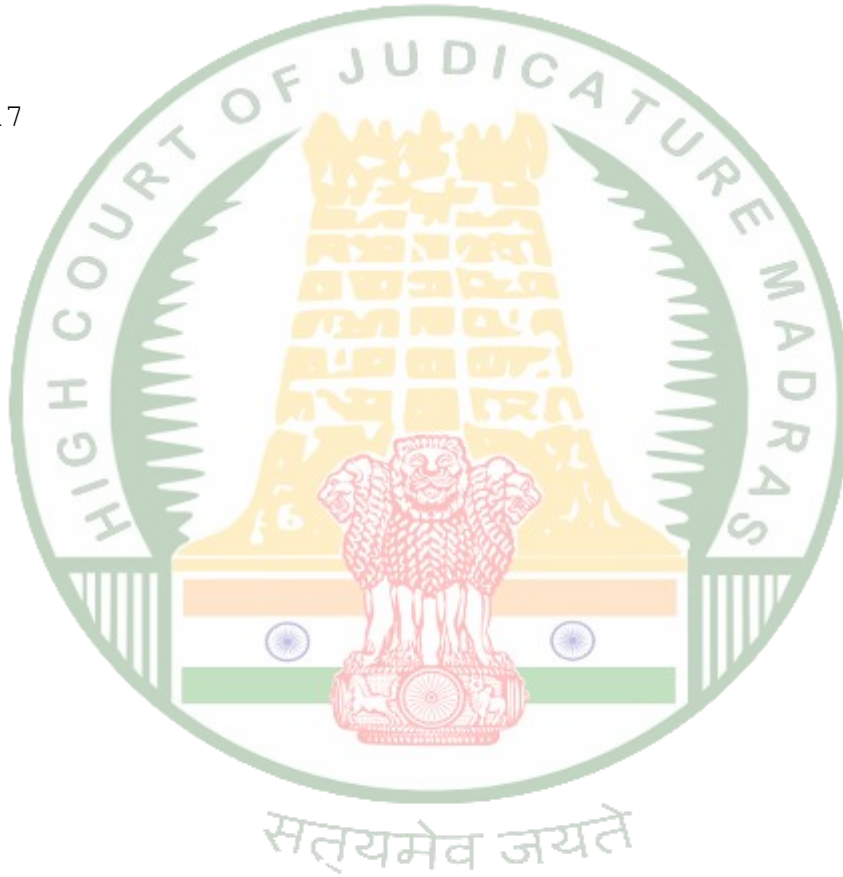
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2. The Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam District.

+1cc to Mr.P.Chellapandian, Advocate, S.R.No.43193
+1cc to Mr.P.Gunaraj, Advocate, S.R.No.42879
+1cc to Mr.S.Kumaradevan, Advocate, S.R.No.42960
+1cc to the Government Pleader, S.R.No.43465

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