

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

Coram

The Honourable Mr. Justice M.M.SUNDRESH

W.P.No.2907 of 2017

C. Siva Kumar

... Petitioner

versus

1. The District Collector,
Namakkal,
Namakkal District.

2. The Assistant Executing Engineer/Junior Engineer,
Junior Engineer Office,
Tamil Nadu Electricity Board,
Kumaramangalam,
Thiruchengodu,
Namakkal (District)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to issue electricity connection to the petitioner pursuant to his representation dated 29.04.2016.

For Petitioner : Mr.D.Arun

For Respondents : Mr.R.A.S.Senthilvel,
Addl. Govt. Pleader for R1
Mr.S.K.Rameshwar for R2

ORDER

The petitioner, after putting up construction, sought for service connection. As the said connection is not forthcoming, the present writ petition has been filed.

2.In the counter affidavit filed by the second respondent, it has been stated that the petitioner has not produced any document such as house tax receipt and therefore, his request is kept pending consideration.

3.Learned counsel appearing for the petitioner would submit that the petitioner has got house tax receipt now. The petitioner would produce the said receipt and on receipt of the same, the service connection will have to be effected.

4.Learned counsel appearing for the second respondent would submit that the house of the petitioner is situated in Natham Porampoke and therefore, the service connection cannot be effected.

5.Admittedly, the petitioner has put up construction. The question as to whether the petitioner is legally entitled to be in occupation of the land is different from that of giving service connection. The eviction is something, which is for the first respondent to take into consideration. Suffice it to state that the second respondent cannot refuse service connection on that ground.

6.Accordingly, the writ petition stands disposed of with a direction to the petitioner to produce the house tax receipt to the second respondent within a period of four weeks from the date of receipt of a copy of this order. On such receipt, the second respondent shall effect service connection within a period of four weeks thereafter to the petitioner's residence. It is made clear that this order will not stand in the way of the first respondent or revenue officials from taking appropriate action for evicting the petitioner from the land in his possession, in which the house has been put up. No costs.

s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

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To

1. The District Collector,
Namakkal,
Namakkal District.
2. The Assistant Executing Engineer/Junior Engineer,
Junior Engineer Office,
Tamil Nadu Electricity Board,
Kumaramangalam,
Thiruchengodu,
Namakkal (District)

+1cc to MR.S.K.Rameshwar, Advocate SR.No.17896
+1cc to Government Pleader, SR.No.17363
+1cc to Mr.D.Arun, Advocate SR.No.17218

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CA(CO)
GN(06/04/2017)