

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.35717 of 2015
and M.P.Nos.1 and 2 of 2015

M.Gunasekaran

.. Petitioner

Vs.

1. The Assistant Electrical Engineer,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
(TANGEDCO)
Tamil Nadu Electricity Board,
Perunthozhuvu, Tiruppur District.

2. Thangaraj

.. Respondents

(R-2 is impleaded as per Order dated 16.11.2015
in M.P.No.3 of 2015 in W.P.No.35717 of 2015)

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus, calling for the entire records relating to the impugned order passed by the respondent in his proceedings No. Nil, dated 12.10.2015 and quash the same and consequently directing the respondent to effect service connection to the petitioner's house situated in Old S.No.194/1, New S.No.671/8, situated in Thonguttipalayam Village, Tiruppur Taluk and District.

For Petitioner : Mr.C.Prakasam

For R1 : Mr.S.K.Rameshwar

For R2 : Mr.B.Vijayakumar

ORDER

This writ petition has been filed for the issuance of a writ of certiorarified mandamus, calling for the entire records relating to the impugned order passed by the

respondent in his proceedings No. Nil, dated 12.10.2015 and quash the same and consequently directing the respondent to effect service connection to the petitioner's house situated in Old S.No.194/1, New S.No.671/8, situated in Thonguttipalayam Village, Tiruppur Taluk and District.

2.The petitioner's request for service connection was rejected on the objection made by the second respondent coupled with the failure of the petitioner to satisfy the title. From the record, it appears that in pursuant to the order passed by this Court, sub-division has taken place and building approval has been granted with respect to the property in question in favour of the petitioner. The building approval was given on 15.06.2015. The petitioner is stated to have obtained water connection and put up construction.

3.The learned counsel for the second respondent would submit that in as much as patta proceedings are pending and there is a cloud over the title, no interference required.

4.This Court is of the view that in as much as construction of the building is over, water connection and sub-division are also over, the service connection has to be given to the building of the petitioner. Granting of the service connection will not cloth the petitioner with any title. Thus, the said issue is a separate one which has to be adjudicated between the parties before the appropriate forum.

5.In such view of the matter, the impugned order stands set aside and a direction is issued to the first respondent to effect service connection to the petitioner within a period of eight weeks from the date of receipt of a copy of this order subject to other compliance, if any. It is made clear that such service connection will not give any right to the petitioner and also subject to the dispute on title.

6.In the result, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

asi/cse

To

The Assistant Electrical Engineer,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
(TANGEDCO)
Tamil Nadu Electricity Board,
Perunthozhuvu, Tiruppur District.

+1cc to M/S. B.Vijayakumar, Advocate, S.R.No.42634

+1cc to M/S.C.Prakasam, Advocate, S.R.No.42646

NR(CO)
CU(04/07/2017)

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and M.P.Nos.1 and 2 of 2015



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