

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

Coram

The Honourable Mr. Justice M.M.SUNDRESH

W.P.No.35108 of 2016

D.Rajasekar

... Petitioner

Vs

1. The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Operation and Maintenance,
Kottakuppam,
Villupuram District - 605 104.

2.The Chairman cum Managing Director,
TANGEDCO, 10th Floor,
NPKRR Maligai, No.144, Anna Salai,
Chennai - 2.

3.Loganayagi

4.Kumar @ Rajkumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the first respondent in Ka.En.UmiPo/Epa/Kottakkuppam/VaAaa/ Ko.Thani/A.196/16 dated 11.08.2016 and quash the same as illegal, arbitrary and further direct the first respondent to provide commercial electricity connection to the petitioner's property in Old Survey No.372/2, Re-Survey No.372/2A, Pommaiyar Palayam Village, Vanur Taluk, Villupuram District.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.M.Varun Kumar for R1 & R2
R3 & R4 - No appearance

ORDER

The petitioner has purchased the property by a registered sale deed dated 26.03.2014, by tracing the title to the document of the year 1959. The petitioner's request for service connection was rejected on the premise that respondents 3 and 4

have raised an objection based upon the exparte decree obtained in O.S.No.62 of 2015. Challenging the said impugned order, by which the petitioner's request was rejected, the present writ petition has been filed.

2.Heard the learned counsel for the petitioner and the learned counsel for respondents 1 and 2. Despite service of notice, none appears for respondents 3 and.

3.Learned counsel appearing for the petitioner would submit that exparte decree obtained has been set aside pursuant to the application filed by the petitioner in I.A.No.150 of 2016 having been allowed. That is the reason why he has made a representation on 12.09.2016. However, the service connection has not been given.

4.Mere pendency of the suit cannot be a bar. The petitioner has purchased the property in the year 2014. The petitioner has traced the title through the vendor from the document of the year 1959. Even this old document is put into challenge. There is no contra material to hold that the respondents 3 and 4 are in possession. They have not even chosen to come before this Court. The impugned order has been passed on the ground of exparte decree, which is no longer in existence, as of now.

5.In such view of the matter, the order impugned is set aside and the writ petition is allowed. Consequently, the first respondent is directed to give service connection to the petitioner's property subject to other compliance, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this order will not have any bearing on the pending suit. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Operation and Maintenance,
Kottakuppam,
Villupuram District - 605 104.

2.The Chairman cum Managing Director,
TANGEDCO, 10th Floor,
NPKRR Maligai, No.144, Anna Salai,
Chennai - 2.

+1cc to Mr.M. Varunkumar, Advocate, S.R.No.18387
+1cc to Mr.M. Gnanasekar, Advocate, S.R.No.18237

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md(05/04/2017)

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