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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.11429 of 2016

and

W.M.P (MD) No.8745 of 2016

P.Murugesan

... Petitioner

vs.

1)The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd., (Village),
Mannarpuram,
Trichy.

2)The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Somarasampettai,
Trichy District.

3) P.Muruganantham

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent dated 30.05.2016 in his proceedings in க.எண். உ.மி.பொ/இதா/சோ.பே/வ.ஆ/கோ.மனு/அ.எண் 24/16 and quash the same and direct the 2nd respondent herein to provide electricity connection to the house of the petitioner in S.F.No.227/5 Old S.No.227 situated at Door No.1/8, Allithurai Panchayat, Manikandam village Panchayat, Srirangam Taluk, Trichy district within stipulated time fixed by this Hon'ble Court.

For Petitioner

: Mr.P.Dhanasekaran

For R1 & R2

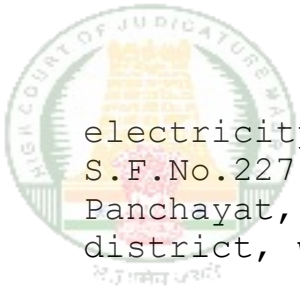
: Mr.S.M.S.Johny Badsha

For R3

: Mr.M.Sidharthan

ORDER

The prayer in this writ petition is for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent dated 30.05.2016 in his proceedings in க.எண். உ.மி.பொ/இதா/சோ.பே/வ.ஆ/கோ.மனு/அ.எண் 24/16 and quash the same and direct the 2nd respondent herein to provide



electricity connection to the house of the petitioner in S.F.No.227/5 Old S.No.227 situated at Door No.1/8, Allithurai Panchayat, Manikandam village Panchayat, Srirangam Taluk, Trichy district, within a stipulated time to be fixed by this Court.

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2.The petitioner submits that he is the owner of the house property in Natham S.F.No.227/5, Old S.No.227, situated at Door No.1/8, Allithurai Panchayat, Manikandam village Panchayat, Srirangam Taluk, Trichy District. He made a request to the 2nd respondent seeking electricity service connection and his request has been rejected vide impugned orders dated 30.05.2016 and 01.06.2016 respectively, on the ground that O.S.No.505 of 2016 is pending. The above suit has been filed by the 3rd respondent for permanent injunction restraining the respondents 1 and 2 and other officials from providing service connection to the petitioner. According to the respondents 1 and 2, no pathway available to access to the petitioner's property and the only pathway available is belonging to the 3rd respondent and hence, electricity service connection could not be given to the petitioner's property.

3.With regard to the private pathway, a civil suit in O.S.No.505 of 2016 is pending before the District Munsif, Tiruchirapalli. The Electricity Department has rightly taken note of the private pathway and that there is a dispute between the petitioner and the 3rd respondent and has deferred the request of the petitioner on the ground that the electricity service connection could be given only after the outcome of the civil suit. I find there is no error apparent on the face of the record and the impugned orders passed are perfectly justified. This Court expects the Civil Court to take up the suit and proceed with the same on day-to-day basis without adjourning the same beyond seven working days at any point of time, as power connection is a must for any citizen and on account of pendency of the suit, it cannot be delayed endlessly.

Hence, this Writ Petition stands dismissed. No costs. Consequently, W.M.P(MD)No.8745 of 2016 is closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub Assistant Registrar



To

1) The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(Village),
Mannarpuram, Trichy.

2) The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Somarasampettai,
Trichy District.

+1cc to Mr. Dhanasekaran, Advocate Sr.No. 8765

+1cc to Mr. M. Sidharthan, Advocate Sr.No. 8678

JAM/01.03.17 /MR/3p-5c

W.P (MD) No. 11429 of 2016
15.02.2017