



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.23768 of 2017

M.Ramanathan

... Petitioner

Vs.

1. The Assistant Executive Engineer,
Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO) Karaikudi, Sivagangai District.

2. Subash Chandra Bose
S/o. Muthu Pillai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to provide residential electricity connection to the petitioner's house situated in the New S.No.193/23 in Plot No.9 and 10 at Vaiduriam Street, Navarathina Nagar, Karaikudi, Sivagangai District based on the caution deposit and Developmental charge of Rs.1550/- paid by the petitioner through the receipt in SVGA 2098258 and SVGA 2098243 issued by the respondent office dated 21.10.2016.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondents	: Mr.E.P.Venkateshwar
	for Mr.S.M.S.Johny Basha for R.1
	Dispensed with for R.2

ORDER

By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2. Mr.E.P.Venkateshwar, for Mr.S.M.S.Johny Basha, learned Counsel, takes notice for the first respondent. Notice to the second respondent is dispensed with and opportunity of hearing will be provided by the authorities concerned, at the time of hearing.

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3. The case of the petitioner is as follows:



3.1. According to the petitioner, he purchased the subject mentioned property vide sale deed dated 24.11.2008 and rectification deed dated 12.12.2008. Whereas, the second respondent herein, in order to disturb the peaceful possession of the petitioner, has filed a suit in O.S.No.17 of 2009, wherein, an order of status-quo was granted on 18.03.2009. Pending disposal of the suit, the second respondent has submitted an application dated 21.12.2011 before the District Registrar, Karaikudi, to cancel the deed dated 24.11.2008, wherein, the District Registrar, according to the petitioner, without affording him an opportunity, to put forth his case, has cancelled the deed dated 24.11.2008. Aggrieved over the same, a writ petition came to be filed, which was subsequently dismissed, against which, writ appeal in W.A.(MD) No.1054 of 2014 is filed and the same is pending.

3.2. In the meanwhile, the petitioner has constructed a house in the subject mentioned property and has submitted an application for electricity connection before the authorities and has paid the required fee also. But, based on the objections raised by the second respondent, the first respondent has orally refused to provide electricity connection, pending disposal of the suit.

3.3. It is the further claim of the petitioner that this Court, in W.P(MD)No.4221 of 2016 (decided on 04.05.2016), a case of similar nature, has held as follows:

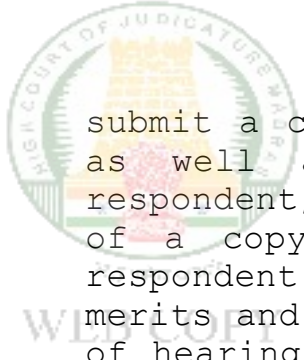
"If the respondent is of the view that the parties can be referred to the Civil Court to decide the issue, in the interregnum period, protecting the interest of the respondent, the Electricity Board can grant service connection by accepting any indemnify bond from the petitioners. The above direction shall be complied with by the respondent after issuing notice to the objector within a period of three weeks from the date of receipt of a copy of this order."

It is the specific grievance of the petitioner that despite he has shown his willingness to file necessary indemnity bond, as required under Regulation 27(4) of the Code, his application is kept pending, without any action.

4. When the matter is taken up for hearing today, the learned Counsel for the petitioner submitted that as the order cited supra is in their favour, the petitioner may be permitted to submit a copy of his application along with a copy of the order (cited supra), before the first respondent, who shall be directed to consider the same, within a stipulated time limit.

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5. Under such circumstances, this Court, without going into the merits of the petitioner's claim, directs the petitioner to



submit a copy of his application along with a copy of this order as well as the order referred to above, before the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner and the second respondent as well as all the other interested parties, if any, within a period of four weeks, thereafter, keeping in mind the pendency of the aforesaid civil suit.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To:

The Assistant Executive Engineer,
Electricity Distribution Circle,
Tamil Nadu Electricity Generation and Distribution Corporation
Ltd., (TANGEDCO) Karaikudi, Sivagangai District.

+1cc to Mr.G.Prabhu Rajadurai, Advocate Sr.No.94485

GK

VB/KK/SAR1/12/01/2018/3P/3C

W.P(MD)No.23768 of 2017
21.12.2017