



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.16239 of 2016

K.Kannan

..Petitioner

Vs.

The Assistant Engineer,
Tamil Nadu Electricity Board,
TANGEDCO (Distribution), Tiruvengadam,
Sankarankoil Taluk,
Tirunelveli District.

.. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue application for Electricity Service Connection to the petitioner and in consequently, direct the respondent to provide Electricity Service connection to the petitioner based on the representation, dated 10.08.2016, within the stipulated period as this Court thinks fit.

For Petitioner : Mr.A.Anandan
For Respondent : Mr.G.Kasinathadurai,
Standing Counsel for T.N.E.B.,

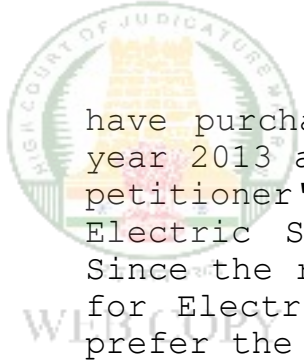
O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondent to issue application for Electricity Service Connection to the petitioner and consequently, direct the respondent to provide Electricity Service connection to the petitioner based on the representation, dated 10.08.2016, within the stipulated period as this Court thinks fit.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for T.N.E.B., appearing for the respondent.

3. Mr.G.Kasinathadurai, learned Standing Counsel for T.N.E.B., takes notice for the respondent. By consent, the Writ petition itself is taken up for final disposal.

4. This Writ petition is filed for issuing a direction to the respondent to issue application for Electric Service connection and to provide Electric Service connection to the petitioner, based on his representation, dated 10.08.2016. The petitioner claimed to



have purchased a land by way of an unregistered Sale Deed, in the year 2013 and states that he is in enjoyment of property. It is the petitioner's case that he put up a construction and applied for Electric Service connection for the construction put up by him. Since the respondent has not considered the petitioner's application for Electric Service connection, the petitioner is constrained to prefer the present Writ petition.

5. In the counter affidavit filed by the respondent, it is pointed out that the petitioner has produced only an unregistered Sale Deed. An unregistered Sale Deed is not admissible and hence, the respondent is right in not accepting the document of unregistered Sale Deed as a valid document to prove the petitioner's title and lawful possession. The respondent further stated that objection has already been raised by the Joint Commissioner of Sankaranarayanan Swamy Temple, Sankarankoil, by contending that the land belonged to the temple. Be that as it may, the petitioner can get Electric Service connection if he establishes his lawful possession to the satisfaction of the authorities. Thereafter he is required to execute the Indemnity Bond and Undertaking as required by the regulations.

6. Hence, without expressing any opinion on the merits of the petitioner's case, this Court is inclined to pass the following order:-

"The respondent is directed to consider the petitioner's application/representation, dated 10.08.2016, taking into consideration the objections by anyone interested, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order."

7. Accordingly, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Assistant Engineer,
Tamil Nadu Electricity Board, TANGEDCO (Distribution),
Tiruvengadam, Sankarankoil Taluk, Tirunelveli District.

+ 1 CC TO Mr.G.KASINATHADURAI, ADVOCATE IN SR No. 51188

+ 1 CC TO Mr.A.ANANDAN, ADVOCATE IN SR No. 51189

PMU

TE/RR/SAR-IV : 20/04/2017 : 2P/4C

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER MADE IN

W.P. (MD) .No.16239 of 2016

07.04.2017