

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.Nos.11080 & 16276 of 2018

and

W.M.P.Nos.12990 &19381 of 2018

K.Thangavelu ..Petitioner
in W.P.No.11080 of 2018
K.Ravi ..Petitioner
in W.P.No.16276 of 2018

Vs

- 1.The Chief Engineer,
Distribution - TANGEDCO,
No.948, E.V.N.Road,
Erode - 638 009.
- 2.The Superintending Engineer (O&M),
TANGEDCO,
Namakkal Electricity Distribution Circle,
Tiruchengode Road, Namakkal - 637 001.
- 3.The Executive Engineer (O&M),
TANGEDCO,
Tiruchengode Division,
Anangoor Road, Keelaripatty,
Suriyampalayam Post,
Tiruchengode - 637 211.
- 4.The Assistant Executive Engineer (O&M),
TANGEDCO - North Sub Division,
Keelaripatty, Suriyampalayam Post,
Tiruchengode - 637 209.
- 5.The Assistant Engineer (O&M),
TANGEDCO,North Section Office,
Tiruchengode Division,
Namakkal.

6.K.Ravi

.. Respondents
in W.P.No.11080 of 2018

- 1.The Executive Engineer (O&M),
TANGEDCO,Tiruchengode Division,
Anangoor Road, Keelaripatty,
Suriyampalayam Post,
Tiruchengode - 637 211.
- 2.The Assistant Executive Engineer (O&M),
TANGEDCO - North Sub Division,
Keelaripatty, Suriyampalayam Post,
Tiruchengode - 637 211.
- 3.The Assistant Engineer (O&M),
TANGEDCO,North Section Office,
Tiruchengode Division,Namakkal.

4.K.Thangavelu ... Respondents
in W.P.No.16276 of 2018
Prayer in W.P.No.11080 of 2018

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the respondents 1 to 5 not to provide the power supply to the 6th respondent's power loom industry before partition in Old Survey No.107/2 (TSLR No.9/2) situated at 48, Kailasampalayam, Tiruchengode Taluk, Namakkal District.

Prayer in W.P.No.16276 of 2018

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, to call for the records in impugned order passed by the third respondent in its Ref.No.Ka.No.Uo. Po(Ka&Pa)/Va/T.gode/Ka.Complaint/A.No.159/18, dated 14.06.2018 and quash the same and consequently direct the 3rd respondent to provide electricity connection to the petitioner's premises at D.No.198/4 comprised in S.No.107/2 (Present TSLR.No.9/2) situated at No.48, Kailasampalayam Village, Tiruchengode Taluk, Namakkal District, based on the petitioner's application submitted on March, 2018.

For Petitioners : Mr.S.Kolandasamy
(in W.P.No.11080 of 2018)
Mr.S.Viswanathan for
M/s.Dass & Viswa Associates
(in W.P.No.16276 of 2018)

For Respondents
in W.P.No.11080/2018 :

Mr.S.K.Rameshwar
for R1 to R5
Mr.S.Viswanathan for
M/s.Dass & Viswa Associates for R6

For Respondents
in W.P.No.16276 of 2018:

Mr.S.K.Rameshwar
for R1 to R3
Mr.S.Kolandasamy for R4

C O M M O N O R D E R/

The prayer sought for in W.P.No.11080 of 2018 is for a mandamus, to direct the respondents 1 to 5, not to provide the power supply to the 6th respondent's power loom industry before partition in Old Survey No.107/2 (TSLR No.9/2) situated at 48, Kailasampalayam, Tiruchengode Taluk, Namakkal District.

2. The prayer sought for in W.P.No.16276 of 2018, is to challenge the impugned order passed by the third respondent in Ref.No.Ka.No.Uo.Po(Ka&Pa)/ Va/T.gode/Ka.Complaint/A.No.159/18, dated 14.06.2018 and for consequential relief.

3. The case of the petitioner in W.P.No.16276 of 2018 is as follows :

The petitioner is the absolute owner of the property in S.No.107/2 (Present TSLR No.9/2) situated at No.48, Kailasampalayam Village, Tiruchengode Taluk, Namakkal District and he has been in possession and enjoyment of the same. He has approached the third respondent to provide commercial electricity connection, for running a power loom business. On 14.06.2018, the 3rd respondent has withhold his application, due to the pendency of the writ petition in W.P.No.11080 of 2018, which was filed by the fourth respondent herein. Hence, the present writ petition.

4. According to the petitioner in W.P.No.16276 of 2018 the fourth respondent who is the petitioner in W.P.No.11080 of 2018 has no right or title over his property and hence, the order passed by the third respondent is contrary to law and unacceptable, whereas the same has been refuted by the learned counsel appearing for the petitioner in W.P.No.11080 of 2018.

5. The learned Standing counsel appearing for the respondent Board submitted that if the subject matter of the property was registered in favour of the petitioner in W.P.No.16276 of 2018, there can be no impediment for the respondent Board to grant electricity connection to his property. On instructions, the learned Standing counsel further submitted that the respondent Board is now, ready to consider the application of the petitioner in W.P.No.16276 of 2018, if the petitioner is able to produce all the necessary documents, to establish his claim.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court without going into the merits of the case, directs the respondents to consider the claim of the petitioner in W.P.No.16276 of 2018, for service connection and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners in both the writ petitions, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chief Engineer,
Distribution - TANGEDCO,
No.948, E.V.N.Road,
Erode - 638 009.
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Namakkal Electricity Distribution Circle,
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TANGEDCO,
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Keelaripatty, Suriyampalayam Post,
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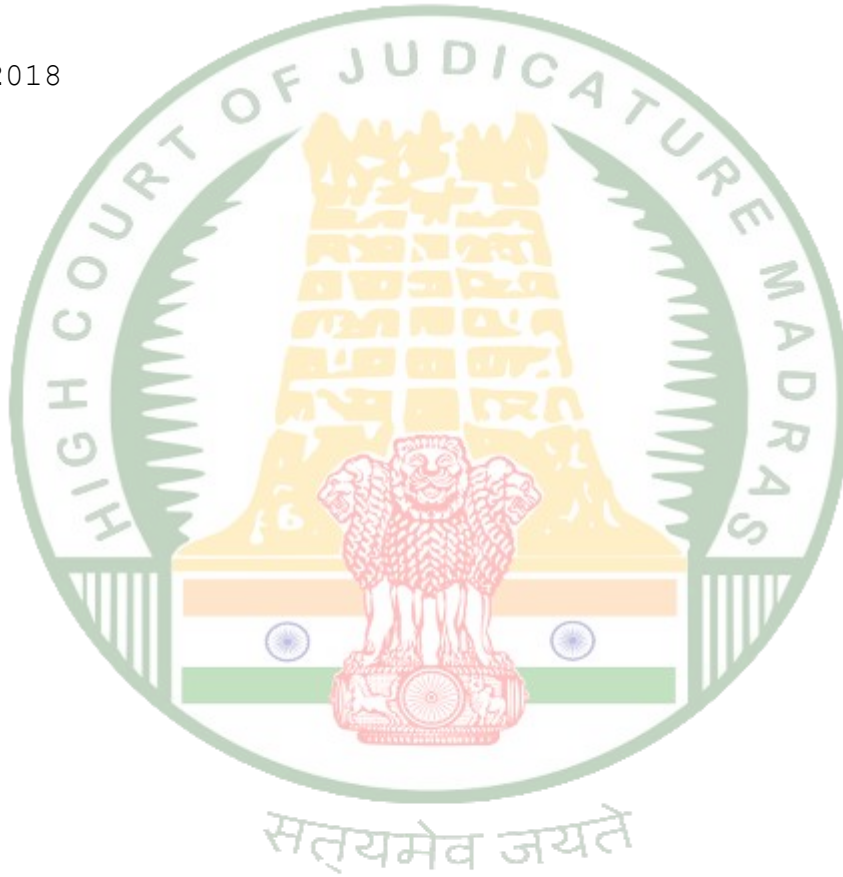
5.The Assistant Engineer (O&M),
TANGEDCO,North Section Office,
Tiruchengode Division,
Namakkal.

+1cc to Mr.S.Kolandasamy, Advocate sr.no.61475

W.P.Nos.11080 & 16276 of 2018
and

W.M.P.Nos.12990 &19381 of 2018

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