

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.21553 of 2018

L.Ramasamy

... Petitioner

Vs

1. The Assistant Electrical Engineer (O&M),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Nallur - 641606, Tiruppur District.

2. The Executive Officer,
Arulmighu Vishweswara Swamy Temple,
Nallur, Tiruppur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent herein to grant Electricity Service connection to the petitioner's house in S.F.No.165, Site No.72, Thiruvankata Nagar Third Street, Tiruppur - 641606, Tiruppur district, on receipt of the application for electricity service connection from the petitioner.

For Petitioner : Mr.R.Sreerangan

For Respondents : Mr.S.K.Rameshwar,

Standing Counsel for R1

: Mr.M.Maharaja,

Special Government Pleader for R2

ORDER

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

2. The petitioner seeks for a mandamus directing the first respondent to provide Electricity Service connection to the petitioner's house in S.F.No.165, Site No.72, Thiruvankata Nagar Third Street, Tiruppur - 641606, Tiruppur district.

3. The grievance of the petitioner is that the first respondent is not providing the electricity connection, based on the objections filed by the second respondent. It is also the grievance that the application of the petitioner was not even received by the respondent for consideration.

4. Mr.M.Maharaja, learned Special Government Pleader appearing for the second respondent, based on instructions, submitted that already an execution proceedings to evict the petitioner and other tenants have been filed and the same is pending against the petitioner and therefore, the present relief cannot be granted to the petitioner.

5. On the other hand, the learned counsel for the petitioner submitted that so long as the petitioner is residing in the property, she is entitled to have the basic amenity viz., the electricity connection and therefore, the petitioner prays the present relief. It is also agreeable to the petitioner that the electricity connection is given even in the name of the second respondent, pending disposal of civil proceedings by the Civil Court.

6. Heard both sides. Considering the above stated facts and circumstances and the submissions made by the learned counsel appearing for the respective parties, this Court is of the view that there will be no impediment for the first respondent or the second respondent for providing the electricity supply to the petition mentioned premises, pending eviction proceedings, if the service connection is given in the name of the temple viz., Arulmighu Vishweswara Swamy Temple, Nallur, Tiruppur District. Thus, this writ petition is disposed of, only with a direction to the first respondent to provide the electricity connection for the petition mentioned premises in the name of the said temple, after collecting necessary charges from the petitioner. If the petitioner commits any default, it is open to the first respondent to proceed in accordance with law. Such exercise shall be done by the first respondent within a period of two weeks from the date of receipt of a copy of this order. Needless to say that the order passed in this writ petition cannot be taken advantageous to the petitioner in any manner in any of the proceedings pending against him filed by the second respondent. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

gsk

To

1. The Assistant Electrical Engineer (O&M),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Nallur - 641606.
Tiruppur District.
2. The Executive Officer,
Arulmighu Vishweswara Swamy Temple,
Nallur, Tiruppur District.

+1cc to Mr.R.Sreerangan, Advocate, S.R.No.58066
+1cc to Mr.S.K.Raameshuwar Advocate, S.R.No.58442
+1cc to the Government Pleader, S.R.No. 58529

W.P.No.21553 of 2018

VBA (CO)
GN(11/09/2018)



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