

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.28420 of 2017
and W.M.P.No.30524 of 2017

S.Jothimani

.. Petitioner

Vs.

1. The Assistant Electrical Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tamil Nadu Electricity Distribution Circle,
Nallur - 641 606.
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, praying for issuance of a Writ of Mandamus directing the 1st respondent herein to grant Electricity Service connection to the petitioner's house in S.F.No.133, Site No.22, S.No.41, Kanchi Nagar Second Street, Nallur, Tiruppur - 641 606, Tiruppur District, on receipt of the application form of the petitioner.

For Petitioner : Mr.R.Sreerangan

For Respondents : Mr.S.K.Rameshwar,
Standing counsel for R1
Mr.M.Maharaja,
Special Government Pleader
(HR&CE) for R2

O R D E R

The petitioner seeks for a mandamus to grant Electricity Service connection to the petitioner's house in S.F.No.133, Site No.22, D.No.41, Kanchi Nagar Second Street, Nallur, Tiruppur - 641 606, Tiruppur District.

2. Heard the learned counsel for the petitioner, learned standing counsel appearing for the first respondent and the

learned Special Government Pleader appearing for the second respondent.

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.

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 need not 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, he is entitled to have the basic amenity viz., the electricity connection and therefore, the petitioner is agreeable, if the electricity connection is given even in the name of the second respondent.

6. 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. Needless to say that the order passed in this writ petition cannot be taken advantage by the petitioner in any manner in the other proceedings pending against him filed by the second respondent. 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. 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. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Assistant Electrical Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tamil Nadu Electricity Distribution Circle,
Nallur - 641 606. Tiruppur District.

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

+1cc to Mr.R.Sreerangan, Advocate sR.No.2127
+1cc to Government Pleader SR.No.2170

sm:17.1.2018

W.P.No.28420 of 2017
10/10



WEB COPY