

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.23906 of 2018

B.Mohankumar

..Petitioner

Vs

1.The Superintendent Engineer,
Tamil Nadu General Electricity Distribution
Circle Corporation,
[TANGEDCO]
Tiruppur District.

2.The Assistant Engineer O & M,
Tamil Nadu General Electricity Distribution
Circle Corporation,
[TANGEDCO],
Samundipuram,
Tiruppur District.

3.Gunasekaran

...Respondents

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, calling for the records pertaining to the proceedings of the 2nd respondent dated 23.08.2018, in A.E.E/O&M/Sapoo/Ko.complaint/V.No.127/2018 and quash the same as illegal, incompetent and consequently direct the 2nd respondent to give electricity connection to the petitioner's property at site No.9, Priya School Street, Block 2, Ward No.A.T.S.No.21/13, of 12th Ward, Tiruppur Taluk & District.

For Petitioners: Mr.M.Guruprasad

For Respondents: Mr.S.K.Rameshwar

Standing counsel for R1 & R2

No appearance for R3

O R D E R

This writ petition has been filed to quash the proceedings passed by second respondent dated 23.08.2018 and for consequential relief.

2. The case of the petitioner is that he purchased a property measuring to an extent of 2455 sq.ft in T.S.No.21/13 situated at Samundipuram, Tiruppur District, by a registered

sale deed bearing Doc.No.300 of 2018, dated 11.01.2018. Thereafter, he constructed a commercial building and has been in possession and enjoyment of the same. On 23.08.2018, he made a representation to the second respondent to provide electricity connection to the aforesaid premises. However, the second respondent, vide his proceedings dated 23.08.2018, rejected his representation, stating that a Civil Suit in O.S.No.234 of 2018 before the District Munsif Court, Tiruppur is pending. According to the petitioner, the aforesaid Civil Suit was filed by him against the third respondent for bare injunction and the pendency of the Suit has no relevance for giving electricity connection to the premises in question. Hence, this writ petition.

3. However, when the matter is taken up for consideration, the learned counsel appearing for the petitioner confines his arguments only to issue a direction to the second respondent to consider the claim of the petitioner seeking service connection to the property in question, for which the learned Standing Counsel appearing for the respondents 1 and 2 has no serious objection.

4. 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 second respondent to consider the claim of the petitioner and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as other necessary parties, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

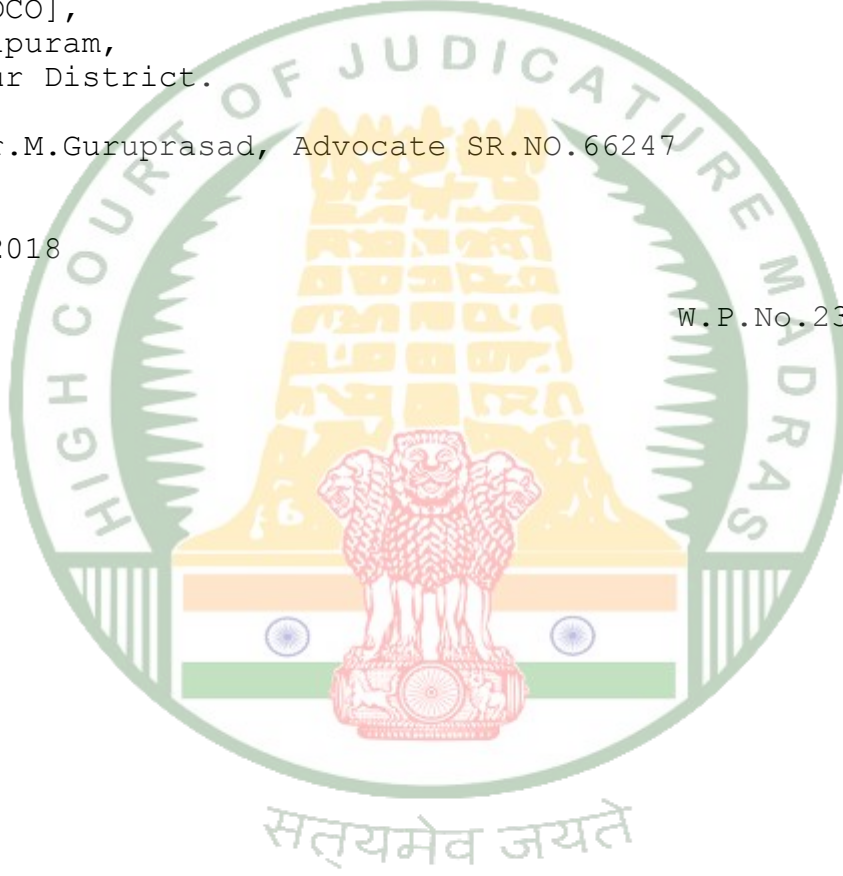
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Tiruppur District.

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Samundipuram,
Tiruppur District.

+lcc to Mr.M.Guruprasad, Advocate SR.NO.66247

VBA (CO)
sm:12.10.2018

W.P.No.23906 of 2018



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