

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.1502 of 2018
and
W.M.P.No.1912 of 2018

Saraswathi

... Petitioner

vs.

1. The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Anna Salai,
Chennai - 600 002.
2. The Assistant Electrical Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tiruppur electricity Distribution Circle,
Nallur - 641 606,
Tiruppur District.
3. The Executive Officer,
Arulmigu Visveswara Swamy Temple,
Nallur,
Tiruppur.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the 2nd respondent to give electricity service connection to the petitioner's house situated in site No.1, S.F.No.165, Thiruvankadam Nagar, Amarjothi Pon Nagar Main Road, Jai Nagar Post, Kangayam Road, Tiruppur - 641 606.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.S.K.Rameswar,
Standing Counsel for R1 and R2
Mr.M.Maharaja,
Special Government Pleader (HR&CE)
for R3.

O R D E R

Mr.S.K.Rameshwar, learned Standing counsel appearing for the 1st and 2nd respondents. Mr.M.Maharaja, learned Special Government Pleader (HR&CE) takes notice for the 3rd respondent. By consent of the parties, the main writ petition is taken up for final disposal.

2. The petitioner seeks for a Mandamus to direct the 2nd respondent to give electricity service connection to the petitioner's house situated in site No.1, S.F.No.165, Thiruvankadam Nagar, Amarjothi Pon Nagar Main Road, Jai Nagar Post, Kangayam Road, Tiruppur - 641 606.

2. Heard the learned counsel for the petitioner the learned standing counsel appearing for the first and second respondents and the learned Special Government Pleader appearing for the third respondent.

3. The grievance of the petitioner is that the second respondent is not providing the electricity connection, based on the objections filed by the third respondent.

4. Mr.M.Maharaja, learned Special Government Pleader appearing for the third 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 third 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., Arulmigu Visveswara 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 third respondent. Thus, this writ petition is disposed of, only with a direction to the second 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 second 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/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Anna Salai, Chennai - 600 002.
2. The Assistant Electrical Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Nallur - 641 606, Tiruppur District.
3. The Executive Officer,
Arulmigu Visveswara Swamy temple,
Nallur, Tiruppur.

+lcc to Mr.C.Prakasam, Advocate Sr.No.5769
+lcc to Government Pleader Sr.No.6314

RJ(CO)
sm:8.2.2018

W.P.No.1502 of 2018

WEB COPY