

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.02.2018

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.28734 of 2017 and WMP Nos.30909 & 30910 of 2017

V.Muthusamy

... Petitioner

Versus

1.The Assistant Engineer,
Operation & Maintanance, TNEB
Periamanali-637 418
Namakkal Dt-637202.

2.The Assistant Executive Engineer,
Operation & Maintanance, TNEB,
Elachipalayam, Thiruchengodu,
Namakkal Dt-637 202.

3.The Executive Engineer,
Operation & Maintanance, TNEB,
Thiruchengodu,
Namakkal Dt-637 202.

4.R.Sengottaiyan,
S/o.Ramasaamy Gounder,
Karunkumaranpalayam,
Arasankadu,
Veppampatt Puthur Post,
Namakkal Dt-637 202

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order, viz., Letter

No.A.E/O&M/Pe.Manali/File.No.129/17 dated 22.09.2017 issued by the 1st respondent and quash the same and consequently direct the respondents 1 to 3 to provide electricity supply to the Bore well of the petitioner situated at in Survey No.204/1B of Elur Village, Namakkal Taluk and District and thereon to his house situated at Survey No.204/2 of the same village and to pay compensation to the petitioner for delaying the electricity supply to, and for the sufferings undergone by, the petitioner.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.S.K.Rameshwar
Special Government Pleader for R1 to R3
No appearance for R4 & R5

ORDER

The petitioner is aggrieved against the order of the 1st respondent dated 22.09.2017, wherein and whereby, the petitioner request for providing electricity connection to his residence was denied, on the reason that the private respondents namely the respondents 4 and 5 herein are objecting to the same. Consequently, the petitioner seeks for a direction to the respondents 1 to 3 to provide electricity supply to the subject matter property.

2. The respondents 1 to 3, entered appearance through their counsel and filed their counter affidavit. Though notice was ordered to the respondents 4 and 5, both through Court and privately, they have not chosen to appear before this Court, even after the receipt of the private notice, when the matter is called for further hearing today. Their names are also printed in the cause list.

3. Perusal of the impugned order would only show that the request of the

petitioner was rejected on the sole reason that the private respondents herein made some objections. In the counter affidavit filed by the 1st respondent, it is stated that these private respondents have objected to the drawing of the power line to the petitioner's premises. It is also stated in the counter affidavit, that a suit in OS.No.364/2017 filed by the private respondents are pending before the Civil Court namely, District Munsif Court, Namakkal.

4. The learned counsel for respondents 1 to 3, however, submitted that there is no interim order passed against the respondents 1 to 3 in the said suit preventing them from effecting the power supply.

5. Considering the fact that the private respondents 4 and 5 have not chosen to appear before this Court and putforth their case, in spite of serving notice and also considering the fact that in the suit filed by them, there is no interim order preventing the respondents / Board from effecting power supply, further considering the fact that the power supply sought for is to the residential premises of the petitioner, apart from the borewells situated in the property, this Court is of the view that the respondents 1 to 3 shall provide the power supply, without prejudice to the contention of either parties in the suit filed and pending in OS.No.364/2017. Needless to say that the provision of such power supply, by way of this order, is subject to the outcome of the judgment and decree to be

passed in the said suit. Such exercise shall be done by the respondents 1 to 3 within a period of four weeks from the date of receipt of a copy of this order.

6. With the above observation, the writ petition is disposed of. No costs. Consequently connected miscellaneous petitions are also closed.

02.02.2018

Index: Yes/No
Internet: Yes/No
Speaking/Non Speaking Order

sk/mk

To

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K.RAVICHANDRABAABU.,J



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