

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2018

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P.No.29122 of 2018

Velliyangiri

...Petitioner

Vs.

1. The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Karuvalur Office,
Tiruppur District.

2. Ponnusamy
3. Mayankathal
4. Kandasamy
5. Gopalan

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to consider petitioner's representation dated 06.10.2018 within the time frame as fixed by this Hon'ble Court.

For Petitioner : Ms.R.Nasrine

For R1 : Mr.S.K.Raameshwar, Standing Counsel

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 06.10.2018 within the time frame.

2. Heard Ms.R.Nasrine, learned counsel appearing for the Petitioner and Mr.S.K.Raameshwar, learned Standing counsel appearing for the first respondent. Since no adverse order is going to be passed against the private respondents i.e., R2 to R5, notice to the private respondents is hereby dispensed with.

3. Learned counsel appearing for the petitioner submits that, the grievance of the petitioner is that, the petitioner after purchasing the land of 2.16 acres in the year 2005, had been involving in agricultural activities and in order to have the water facility, the petitioner wanted to have the electricity service connection for running the motor. Based on the application submitted by the petitioner, it seems that the respondent, electricity department had started giving electricity service connection. When that be so, on 28.09.2018, the respondents 2 to 5, who purchased the adjacent land of the petitioner's land, gathered over there and created huge fuss and restrained the first respondent personnel from digging that area for erecting the electricity post, etc.

4. With the result, the work was stopped abruptly.

5. Therefore, in this context, the learned counsel appearing for the petitioner would submit that, the petitioner has given a representation dated 06.10.2018 to the first respondent, seeking electricity service connection. Therefore, if the same is directed to be decided on merits, within the time frame that may be stipulated by this Court, the petitioner would be satisfied.

6. I heard the learned Standing Counsel appearing for the first respondent, who would submit that, because of the objection raised by the Respondents 2 to 5, they could not proceed to give electricity connection to the petitioner and once the issue is settled, they would proceed in accordance with law.

7. I have considered the said submission made by the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the first respondent.

8. Since there had been some resistance from the private respondents i.e., Respondents 2 to 5, the claim of the said private respondents has also to be looked into by the first respondent and after considering the same, the claim of the petitioner can be dealt with.

9. In the result, this court is inclined to pass the following order in this Writ Petition:

(i) That the first respondent is hereby directed to consider the representation of the petitioner dated 06.10.2018 and decide the same on merits and in accordance with law,

ofcourse, after affording reasonable opportunity to the private respondents 2 to 5 by putting them under specific notice.

(ii) After hearing all the parties including the petitioner and the private respondents, necessary action can be taken on the representation given by the petitioner dated 06.10.2018.

(iii) The needful as indicated above, shall be undertaken by the first respondent, within a period of 8 weeks from the date of receipt of this order.

With this direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

smi/bga

To

The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Karuvalur Office,
Tiruppur District.

W.P.No.29122 of 2018

SPD (CO)

GMV (28/11/2018)

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