

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P.No.29621 of 2018

A.Selvakumar

... Petitioner

Vs

1. The Chairman  
TANGEDCO,  
Anna Salai, Chennai - 600 002.
2. The Superintending Engineer  
TANGEDCO,  
Palladam Town,  
Palladam - 641 664, Tiruppur District.
3. The Executive Engineer  
TANGEDCO,  
Palladam Town,  
Palladam - 641 664, Tiruppur District.
4. The Assistant Engineer  
TANGEDCO,  
Palladam Town,  
Palladam - 641 664,  
Tiruppur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents herein to consider the representation of the petitioner dated 27.04.2018, seeking new electricity service connection to his residential home constructed on the land measuring 9252 1/2 square feet or 859.55 square meter (21 cents 96 1/4 square feet), comprised in Survey No.581/4 in Naranapuram Village, Palladam Taluk, Tiruppur District.

For Petitioner : Mr.T.Dhanasekaran

For Respondents : Mr.S.K.Rameshwar and  
Mr.M. Varun Kumar

O R D E R

The prayer sought for herein is for a writ of mandamus, directing the respondents herein to consider the representation of the petitioner dated 27.04.2018, seeking new electricity service connection to his residential home constructed on the land measuring 9252 1/2 square feet or 859.55 square meter (21 cents 96 1/4 square feet), comprised

in Survey No.581/4 in Naranapuram Village, Palladam Taluk, Tiruppur District.

2. Heard Mr.T.Dhanasekaran, learned counsel appearing for the petitioner and Mr.S.K.Rameshwar, learned standing counsel appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that, the petitioner purchased a vacant land measuring 9252 1/2 sq.ft or 859.55 sq.mt, i.e., 21 cents 96 1/4 square feet comprised in S.No.581/4 in Naranapuram Village, Palladam Taluk, Tiruppur District, by a sale deed, dated 21.10.2013 registered as Doc.No.13620 of 2013 at the Sub-Registrar Office, Palladam from one R.Ponnusamy, s/o. Rangasamy Gounder. Pursuant to the sale, mutation of revenue record also has been effected in the name of the petitioner. Thereafter he constructed a residential building therein and based on which, he made an application to the respondents seeking for electricity service connection to his new building. However, the said application has not been considered and electricity service connection has not been effected.

4. The learned counsel for the petitioner would further submit that, on 03.04.2018 the respondents sent a communication to the petitioner stating that, in order to give electricity service connection to the petitioner's building, two post have to be erected and the path through which the two post have to be erected seems to belong to Ponnusamy, i.e., the vendor of the petitioner and therefore if the petitioner is able to get NOC from the individual Ponnusamy, based on which the respondents TANGEDCO would act upon.

5. The learned counsel would further submit that, in this context, he states that, the petitioner had made a representation on 27.04.2018, wherein he has explained that, how he is entitled to get service connection through the common way, which is not belong to the individual Ponnusamy by erecting post and also made a request to the respondents to effect service connection without insisting NOC from the individual, i.e., the vendor of the petitioner.

6. In this context, the learned counsel appearing for the petitioner would submit that, if the said representation, dated 27.04.2018 given by the petitioner is directed to be considered by the respondents and an order to that effect is passed and follow up action is to be taken pursuant to the said decision within the time frame that may be stipulated by this Court, the petitioner may be satisfied.

7. Heard Mr.M.Varun Kumar, learned standing counsel appearing for the respondents who would submit that, after inspection of the field, the respondents TANGEDCO understands that, the way through which the two electrical post have to be erected for effecting electricity connection to the

petitioner's building belongs to the individual Ponnusamy and therefore only in that score, the respondents directed the petitioner to produce the NOC. Once the petitioner is able to establish that, the area through which the electric post can be erected does not belong to any individual including the said Ponnusamy, certainly the respondents TANGEDCO would act upon.

8. I have considered the said submissions made by the learned counsel for both sides and perused the materials placed before this Court.

9. There is no doubt that, the building which was constructed by the petitioner is in his own land which was purchased by a clear sale deed, of course from the individual Ponnusamy, who is the vendor of the petitioner. However, whether the demand made by the respondents that, NOC have to be issued by the said vendor even for erecting electrical post is to be decided by the respondents TANGEDCO only after ascertaining the ownership and other aspects like the supporting documents to be produced both by the petitioner as well as the vendor of the petitioner, Ponnusamy and accordingly, after hearing both of them, the TANGEDCO can decide as to whether the petitioner is entitled to seek for service connection.

10. In that view of the matter, this Court is inclined to pass the following order in this writ petition.

That the respondents are directed to consider the representation of the petitioner, dated 27.04.2018 on merits and in accordance with law, of course by giving an opportunity of being heard to both the petitioner as well as the said Ponnusamy, who is none other than the vendor of the petitioner, by issuing notice to that effect, fixing the date for such personal hearing and after ascertaining the claim of the petitioner as to his entitlement to seek for electricity service connection, needful has to be done by the respondents. The afore stated directions have to be complied with by the respondents, within a period of two months from the date of receipt of a copy of this order.

With these direction, this writ petition is disposed of.  
No costs.

Sd/-  
Deputy Registrar (CS)

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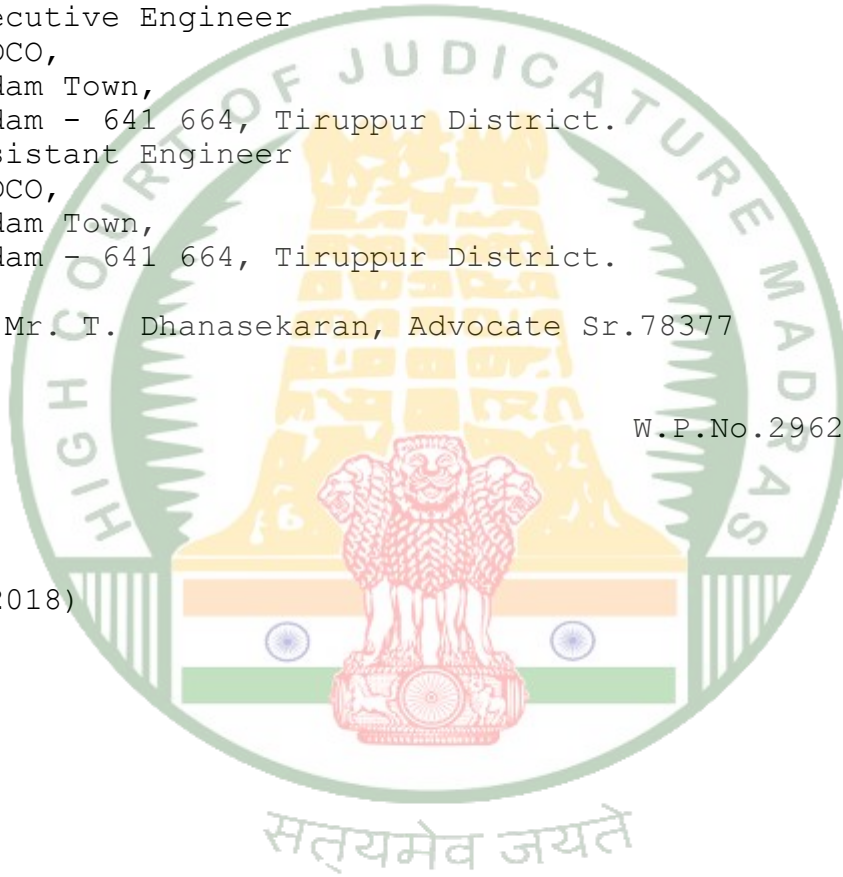
tsvn

To

1. The Chairman  
TANGEDCO,  
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  2. The Superintending Engineer  
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- + 1 cc to Mr. T. Dhanasekaran, Advocate Sr.78377

W.P.No.29621 of 2018

(CS-DR)  
EU(19/11/2018)



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