



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.1886 of 2018

and

W.M.P. (MD) No.2058 of 2018

A.Sakthiammal

... Petitioner

-Vs-

1.The Tamil Nadu Generation and
Distribution Corporation Limited,
Ramanathapuram Electricity Distribution Circle,
Represented by its Superintending Engineer,
Collectorate Post,
Madurai to Rameshwaram Road,
Ramanathapuram.

2.The Assistant Engineer,
The Tamil Nadu Generation and
Distribution Corporation Limited,
Distribution / Ramanathapuram South,
Opposite to Yadavar Mahal,
Madurai to Rameshwaram Road,
Ramanathapuram.

... Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 07.09.2017 in க.எண்.உமீபொ/ந/தெ/இராம/கோ.கட்(டு)/அ.எண்.159/17 from the second respondent and quash the same and consequentially directing the second respondent to effect electricity service connection to the property of the petitioner in Old Door No.6/B and New Door No.20/B, Karuveppilaikara Street, Velipattinam, Ramanathapuram.

For Petitioner	: Mr.J.Bharathan
For Respondents	: Mr.E.P.Venkateshwar
	for Mr.S.M.S.Johnny Basha

ORDER

The writ petition has been filed challenging the order passed by the second respondent rejecting the petitioner's representation on the ground that the petitioner failed to produce any documents to prove the ownership of the property.



2. According to the petitioner, the property belonged to one Ramamoorthy. Subsequently, he entered into the sale agreement with her. Pursuant to the sale agreement, the petitioner and her son are in possession and enjoyment of the property. Subsequently, her son went missing and the petitioner alone is living in the property. Recently, the original owner Ramamoorthy died. Now, his son is trying to interfere, with her possession and enjoyment. Hence, the petitioner filed a suit in O.S.No.9 of 2014 on the file of the District Munsif Court, Ramanathapuram seeking a decree for permanent injunction and the suit is also decreed *ex-parte* on 27.03.2015. According to the petitioner, no appeal has been filed against the said Judgment. By virtue of the order passed by the Civil Court, she is in legal possession and enjoyment of the property. Subsequently, the petitioner filed an application seeking electricity service connection, but the respondent refused the same on the ground that the petitioner failed to prove her ownership of the property. According to the petitioner, as per Clause 27(4) of the Tamil Nadu Electricity Distribution Code, 2004, (in short 'code') the licensee is bound to supply electricity on request of the occupier of a property.

3. The learned counsel for the respondents contended that the petitioner only filed an application, without producing the copy of the judgment and decree passed by the Civil Court. Therefore, the respondents are not in a position to consider the same.

4. In the above circumstances, since without giving opportunity to the petitioner the impugned order has been passed, the same is set aside and the matter is remanded back to the second respondent. The petitioner is directed to produce the copy of the said Judgment and decree passed by the Civil Court in favour of the petitioner, and on filing of such Judgment and Decree, the second respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of twelve weeks thereafter.

5. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(ADI)

/True Copy/

Sub-Assistant Registrar



To

1. The Superintending Engineer,
The Tamil Nadu Generation and
Distribution Corporation Limited,
Ramanathapuram Electricity Distribution Circle,
Collectorate Post,
Madurai to Rameshwaram Road,
Ramanathapuram.

2. The Assistant Engineer,
The Tamil Nadu Generation and
Distribution Corporation Limited,
Distribution / Ramanathapuram South,
Opposite to Yadavar Mahal,
Madurai to Rameshwaram Road,
Ramanathapuram.

+One cc to Mr.T.R.Jeyapalam, Advocate, SR.No.45614

Myr

RL/4C/3P/SKN/RSK/SAR4/27/2/2018

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