



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.18035 of 2018

WEB COPY

Moorthy

... Petitioner

/Vs./

The Assistant Engineer (O&M),
Tamil Nadu Generation & Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Manamelkudi,
Manamelkudi Taluk,
Pudukkottai District.

... Respondent

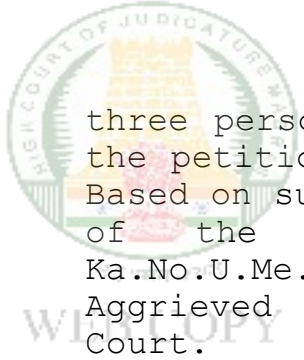
Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order Ka.No.U.Me.Po/Eka/Manavai/Co.Manu/A.No.75/18-19 dated 27.07.2018 and quash the same as illegal and consequently direct the respondent to provide electricity connection to the petitioner's dwelling house put up at Survey No.89/1 in Alaganvayal Village, Manamelkudi Taluk, Pudukkottai District based on the petitioner's application dated 08.01.2017.

For Petitioner : Mr.M.Suresh
For Respondent : Mrs.M.Rajeshwari
for Mr.S.M.S.Johnny Basha

ORDER

This writ petition has been filed to quash the impugned order in Ka.No.U.Me.Po/Eka/Manavai/Co.Manu/A.No.75/18-19 dated 27.07.2018 and consequently direct the respondent to provide electricity connection to the petitioner's dwelling house put up at Survey No.89/1 in Alaganvayal Village, Manamelkudi Taluk, Pudukkottai District based on the petitioner's application dated 08.01.2017.

2. The learned counsel appearing for the petitioner submits that the petitioner is residing in Government Poramboke land and he has built a house in the above said survey number, at Survey No.89/1 in Alaganvayal Village, Manamelkudi Taluk, Pudukkottai District. He has sought for an electricity connection, enclosing the property tax receipt, VAO Certificate for his residence and undertaking affidavit as specified in the application. He has also deposited Rs.1,600/- towards the charges for energizing his house. In spite of representing before the respondent office on several occasions, no action has been taken and finally, the respondent has issued a communication on 06.02.2018 stating that Manikka Pathar and other



three persons objected that the said land stands in their name and the petitioner namely Moorthy is not in possession of the property. Based on such objection, the respondent has rejected the application of the petitioner and passed the impugned order in Ka.No.U.Me.Po/Eka/Manavai/Co.Manu/A.No.75/18-19 dated 27.07.2018. Aggrieved by the said order, the petitioner has approached this Court.

3. The learned counsel appearing for the petitioner would further submit that he has got all the relevant records to show that he is in possession of the said land in question. The order of the respondent is absolutely wrong and he is in possession of the said land and seeks an order in his favour.

4. Without expressing any opinion on the merits of the case, this Court directs the petitioner to approach the concerned authority namely Tahsildar, with all the necessary documents to establish the fact that he is in possession of the said property and not in possession of other persons, who are objecting the same. The concerned authority is directed to consider the documents produced by the petitioner and pass appropriate order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. If the Tahsildar passes an order in his favour, the petitioner can approach the concerned EB authorities with the order and apply for EB service connection.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To
The Assistant Engineer (O&M),
Tamil Nadu Generation & Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Manamelkudi,
Manamelkudi Taluk,
Pudukkottai.

+1CC to Mr.M.Suresh, Advocate, SR.No.95117

W.P. (MD) No.18035 of 2018
12.11.2018

SM