

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.1804 of 2019 and W.M.P. No.1993 of 2019

R.Saminathan

.. Petitioner

-vs-

1.The Executive Engineer (O & M),
Tamil Nadu Generation and
Distribution Corporation Limited
(TANGEDCO),
Erode Distribution Circle,
Mettur Road, Erode District.

2.The Assistant Engineer (O&M),
Tamil Nadu Generation and
Distribution Corporation Limited
(TANGEDCO),
Electricity Distribution Circle/West,
Chennimalai-638 051,
Erode District.

3.S.Sivachalapathi

4.T.Ponnulingam

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents 1 and 2 to provide electricity connection to the petitioner's residential house at Door No.3/2A, which is situated in Survey No.181/3A of Kodumanal Village, Perundurai Taluk, Erode District based on his application dated 24.12.2018 without insisting No Objection Certificate from the respondents 3 and 4 forthwith.

For Petitioners:: Mr.M.R.Jothimanian

For Respondents:: Mr.S.K.Raameshuwar,
Standing Counsel for R1 and R2

No appearance for R3 and R4

ORDER

The petitioner has come to this Court seeking a direction to the respondents 1 and 2 to provide electricity connection to his residential house situated at Door No.3/2A, Kodumanal Village, Perundurai Taluk, Erode District based on his application dated 24.12.2018 without insisting No Objection Certificate from the respondents 3 and 4 forthwith.

2. According to the learned counsel for the petitioner, the petitioner has submitted an application dated 24.12.2018 along with necessary documents before the second respondent seeking electricity connection to his residential house, but the same has not been considered by respondents 1 and 2 till date. Since the second respondent has informed the petitioner to get No Objection Certificate from respondents 3 and 4, who have made an objection stating that there is a dispute in the pathway, the petitioner is before this Court seeking the above prayer.

3. In this regard, referring to an order dated 04.10.2018 passed by this Court in pending W.P. No.23520 of 2017, learned counsel appearing for the petitioner would submit that in a similar circumstance, this Court has given a direction to the first respondent therein to submit an application to the police authorities viz. Inspector of Police, Chennimalai Police Station, Erode District, seeking police protection and on such submission, the Inspector was directed to render necessary police protection, so as to provide electricity service connection to the petitioner's house within a period of one week and therefore, the learned counsel prays a similar order.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for respondents 1 and 2. There is no representation on behalf of respondents 3 and 4.

5. This Court, in a pending writ petition in W.P. No.23520 of 2017 dated 04.10.2018, has passed the following order:

'5. However, considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the first respondent to submit an application to the police authorities viz., Inspector of Police, Chennimalai Police Station, Erode District, seeking police protection. On such submission, the Inspector concerned shall render necessary police protection to the first respondent - Assistant Engineer, Erode Electricity Distribution Circle, West/Chennimalai, Erode District, so as to provide electricity service connection to the petitioner's house, within a period of one week.'

6.As there was unnecessary dispute between the petitioner and respondents 3 and 4 and in view of the above said order, the writ petition is disposed of directing the petitioner to submit an application seeking electricity connection, along with necessary charges, within a period of one week from the date of receipt of a copy of this order. On such submission, respondents 1 and 2 shall provide electricity service connection to the petitioner's house within a week's time thereafter.

7.Needless to mention that if the second respondent comes across any hindrance from respondents 3 and 4, he is permitted to move an application seeking police protection before the concerned police station. If any such application is moved before the concerned Police Station, the Inspector concerned shall render necessary police protection, so as to provide electricity service connection to the petitioner's house. Consequently, connected W.M.P. is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

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Sub Assistant Registrar

To

1.The Executive Engineer (O & M),
Tamil Nadu Generation and
Distribution Corporation Limited
(TANGEDCO),
Erode Distribution Circle,
Mettur Road, Erode District.

2.The Assistant Engineer (O&M),
Tamil Nadu Generation and
Distribution Corporation Limited
(TANGEDCO),
Electricity Distribution Circle/West,
Chennimalai-638 051,
Erode District.

+1 cc to Mr.M.R.Jothimanian, Advocate, S.R.No.12758.

+1 cc to Mr.S.K.Raameshuwar, Advocate, S.R.No.14018.

W.P. No.1804 of 2019 and
W.M.P. No.1993 of 2019

BR(CO)
SSM(08/03/2019).