

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.33916 of 2013
and M.P. No.1 of 2013

1.S.Kalidass
2.K.Maheswari

... Petitioners

Vs

1.The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Coimbatore Electricity Division Circle,
Sullur, Coimbatore-641 402.

2.The Chief Administration Officer,
Air Force Station,
Sulur, Coimbatore-641 401.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned communication bearing Ka.No. Vu Mi Po/East/ Sulur/A.No. /2013 dated 19.10.2013 on the file of the first respondent and quash the same and consequently direct the first respondent to grant electricity service connection so far as the petitioner in Plot No.13 in S.F. No.347/1A, Kadmapadi Village, Sulur, Coimbatore District.

For Petitioners: Mr.C.Senapathi

For Respondents: Mr.S.K.Raameshuwar,
Standing Counsel for R1
Mr.G.Karthikeyan,
Assistant Solicitor General for R2

ORDER

The petitioners have come to this Court challenging the impugned communication bearing Ka.No. Vu Mi Po/East/Sulur/A.No. /2013 dated 19.10.2013 issued by the first

respondent and seeking a direction to the first respondent to grant them electricity service connection in Plot No.13 in S.F. No.347/1A, Kadmapadi Village, Suler, Coimbatore District.

2.Learned counsel appearing for the petitioners would submit that the petitioners purchased a vacant plot bearing site No.13 in Kadampadi Village, Suler, Coimbatore, admeasuring an extent of 1500 sq.ft. from one Mrs.T.Deivanai in S.F. No.347/1A in the year 2012 under a registered Document No.15307 of 2012 on the file of the Sub Registrar Office, Suler. For the said lands, Joint Patta No.656 was issued and No Objection Certificate was also given by the District Collector in the year 2003 by Proceedings dated 31.03.2003 for registering the land and for construction of the house and the Tahsildar has also issued No Objection Certificate in the year 2004 through Proceeding dated 23.11.2004 to develop the said land. Another No Objection Certificate has also been obtained from the District Collector, Coimbatore on 10.01.2005 for construction of houses. In the light of the above, the electricity department cannot refuse the prayer of the petitioners for granting electricity service connection.

3.Continuing his argument, learned counsel appearing for the petitioners would further submit that the Division Bench of this Court, while quashing the 4(1) notification, allowed the writ petition in W.P. No.9361 of 2006 and dismissed the appeals in W.A. Nos.1640 of 2001 etc. batch vide judgment dated 01.04.2016, therefore, there is no impediment for the respondents to grant electricity service connection to the petitioners.

4.Opposing the above prayer, learned Assistant Solicitor General appearing for the second respondent submitted that as against the dismissal of the Writ Appeal Nos.1640 of 2001 etc. batch dated 01.04.2016, Special Leave Petition has been filed before the Hon'ble Apex Court and the same is pending with the order of status quo. Therefore, the present writ petition seeking the prayer for giving electricity service connection is wholly untenable and unjustified.

5.I also finds merit on the submission made by the learned Assistant Solicitor General appearing for the second respondent. The reason being, when the Special Leave Petition (C) Nos.6740-6741/2017 filed by the Union of India is pending with the status quo order dated 9.5.2018 before the Hon'ble Apex Court as against the judgment passed by the Division Bench of this Court in W.A. Nos.1640 of 2001 etc. batch on 01.04.2016 and the approval granted by the Panchayat President on 20.04.2005 was subsequently cancelled vide Proceedings dated 13.02.2013, this

Court is not inclined to entertain the writ petition. Accordingly, the writ petition stands dismissed. Consequently, connected M.P. is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Coimbatore Electricity Division Circle,
Sullur, Coimbatore-641 402.

2.The Chief Administration Officer,
Air Force Station,
Sulur, Coimbatore-641 401.

+1cc to Mr.G.Karthikeyan, Advocate sr.95533
+1cc to Mr.S.K.Raameshuwar, Advocate sr.96170

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mp(co)
nr 29/01/2020