

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.04.2019
CORAM:
THE HONOURABLE MR. JUSTICE T.RAJA
W.P.No.9685 of 2019

Kanthamma

... Petitioner

Vs.

The Tamil Nadu Electricity Board
rep. by its Assistant Engineer/Junior Engineer
(TNGEDCO), Shoolagiri,
Dharmapuri District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant/effect service connection for the petitioner's Residence at Door No.4/470-1, Kamaraj Nagar, Soolagiri, Krishnagiri District which is situated in Survey No.70/1A1A2B.

For Petitioner : Mrs.Selvi George G.

For Respondent : Mr.M.Varunkumar,
Standing Counsel

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondent to grant/effect service connection for the petitioner's Residence at Door No.4/470-1, Kamaraj Nagar, Soolagiri, Krishnagiri District which is situated in Survey No.70/1A1A2B.

2. Learned Counsel appearing for the petitioner submitted that during the year 1979, the petitioner purchased an extent of 1600 sq.ft. of land in Survey No.70/1A1A2B, Shoolagiri Village, from one Mr.S.R.Lakshmana Chetty, son of S.V.Ramachandra Chetty, for a valid sale consideration through a registered Sale Deed Document No.181 of 1979 dated 24.01.1979 and since then, the petitioner has been in possession and enjoyment of the same by putting up a small house. After the completion of the house, the petitioner also has approached the respondent seeking electricity service connection, but the respondent electricity Board is refused to accept the request of the petitioner for giving the domestic service connection on the ground that a civil dispute is pending between the petitioner and his rival party in the Second Appeal No.1410/2013.

3. The learned Counsel appearing for the petitioner further submitted that the petitioner also has succeeded before the trial court, namely, O.S.No.136 of 2009 on the file of the Sub-Court, Hosur by judgment dated 10.11.2010 and also before the I Appellate Court, namely, Additional District Judge, Krishnagiri by judgment dated 24.07.2012 made in A.S.No.29/2011. As against the concurrent findings, the Second Appeal in S.A.No.1410/2013 has been filed by one Sridhar and the same is also pending consideration. Since the petitioner has succeeded before both the courts below as stated above, the respondent cannot refuse to accept the request for granting electricity service connection to the petitioner's residence, till the meritless Second Appeal is decided.

4. Mr.M.Varunkumar, learned Standing Counsel appearing for the respondent Electricity Board submitted that the respondent Tamil Nadu Electricity Board would give electricity service connection to the petitioner premises subject to the result of the pending Second Appeal.

5. A perusal of the judgments and decrees passed by the courts below, clearly show that the decree and judgment in O.S.No.136/2009 on the file of the Sub-Court, Hosur dated 10.11.2010 was confirmed by the I Appellate Court, namely, Additional District Judge, Krishnagiri by decree and judgment in A.S.No.29/2011 dated 24.07.2012. Therefore, this Court finds no impediment to direct the respondent to grant/effect service connection for the petitioner's Residence at Door No.4/470-1, Kamaraj Nagar, Soolagiri, Krishnagiri District which is situated in Survey No.70/1A1A2B subject to the result of the Second Appeal mentioned supra.

6. With the above observation and direction, the Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CS)
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Sub Assistant Registrar

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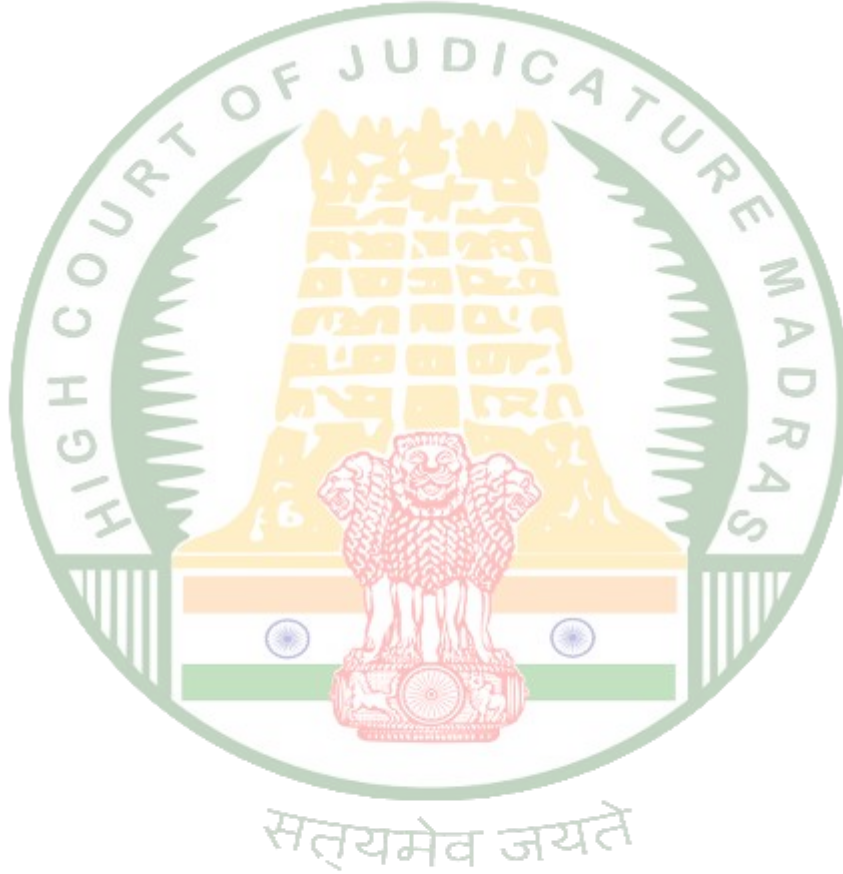
The Assistant Engineer/Junior Engineer
(TNGEDCO), Tamil Nadu Electricity Board,
Shoolagiri,
Dharmapuri District.

+1cc to Mrs.Selvi George G. , Advocate SR.No. 42734

+1cc to Mr.M.Varunkumar, , Advocate SR.No. 42408

W.P.No.9685 of 2019

A.SK(03/06/2019)



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