

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 03.06.2019****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****W.P.No.13873 of 2019**

S.Mayilathal

... Petitioner

Vs.

1.The Superintending Engineer,
Erode Electricity Distribution Circle,
TANGEDCO, No.948, E.V.N. Road,
Erode – 638 009.

2.The Executive Engineer (O & M),
TANGEDCO, Ayyamapalayam,
Chennimalai West, Perundurai Taluk,
Erode District.

3.The Assistant Engineer (O & M),
TANGEDCO, Ayyamapalayam,
Chennimalai West, Perundurai Taluk,
Erode District.

4.The Junior Engineer (O & M),
TANGEDCO, Ayyamapalayam,
Chennimalai West, Perundurai Taluk,
Erode District.

5.Palanisamy Gounder

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from providing electricity service connection to the 5th respondent who is illegally

constructing Poultry farm without any necessary permissions in S.No.33 & 34/1C, Kodumanal Village, Perundurai Taluk, Erode District which falls in joint patta bearing Patta Nos.278 and 280 based on the petitioner's representation dated 02.11.2018.

For Petitioner : M/s.Dass and Viswa Associates
For Respondents : Mr.S.K.Rameshwar for TNEB

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents from providing electricity service connection to the fifth respondent who is illegally constructing Poultry farm without any necessary permissions in S.Nos.33 and 34/1C, Kodumanal Village, Perundurai Taluk, Erode District, which falls in joint patta bearing Patta Nos.278 and 280 based on the petitioner's representation dated 02.11.2018.

2.The grievance of the petitioner is that the fifth respondent has put up a poultry farm without any permission from the concerned Authorities and the said poultry farm causes health hazards to the nearby residents. The petitioner has already made representation to the Pollution Control Board and has also filed writ petition before this Court in W.P.No.23802 of 2018. This Court by order dated 08.11.2018

issued direction to the third respondent therein to consider the petitioner's application and pass suitable orders on merits and in accordance with law after giving opportunity to the petitioner and the fifth respondent therein. The petitioner has again filed similar writ petition before this Court as against the Electricity Board with the above said prayer.

3. Though the prayer sought for in the writ petition is not maintainable and the locus standi of the writ petitioner is not explained in this writ petition, however, the learned counsel for the petitioner requests this Court that it would be sufficient to issue a direction to the Electricity Board to pass orders on the petitioner's representation dated 02.11.2018, after giving opportunity to the fifth respondent.

4. Though the fifth respondent is added as a party in the writ petition, without issuing notice to the fifth respondent this Court is inclined to dispose of the present writ petition since no order is passed as against the interest of the fifth respondent.

5. The learned counsel appearing for the Electricity Board conceded the request made by the learned counsel for the petitioner.

6.In view of the above, without expressing any opinion on the merits of the case, the Electricity Board is directed to consider the petitioner's representation dated 02.11.2018 after giving opportunity to the fifth respondent and pass appropriate orders in accordance with law as early as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly disposed of. No costs.

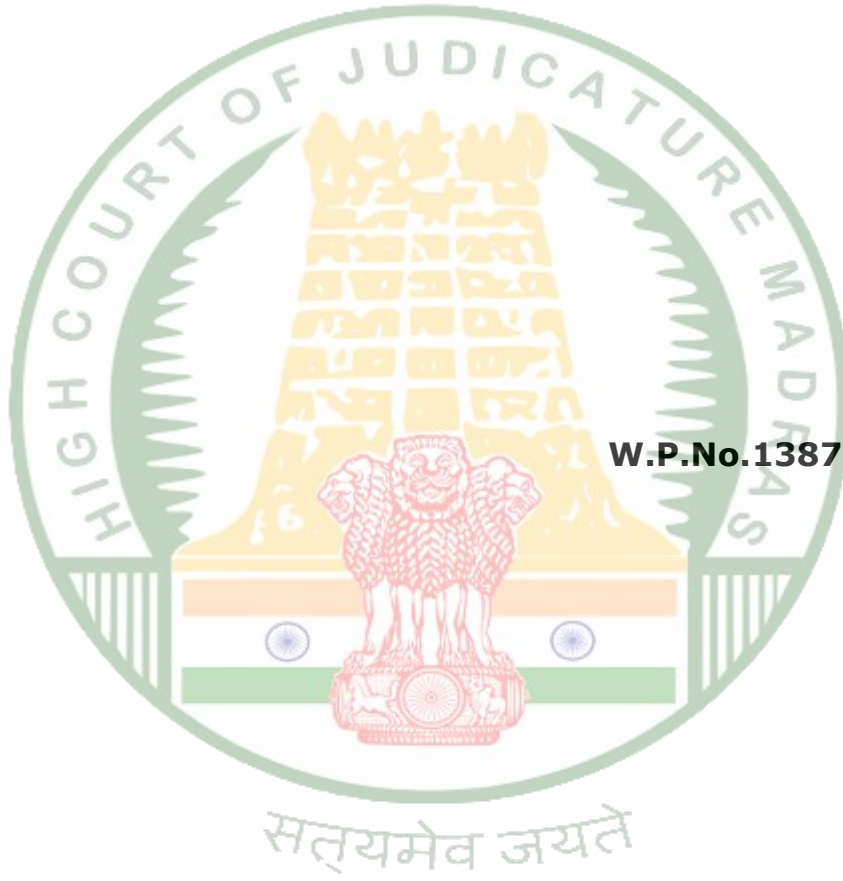
03.06.2019

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

To

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M.DHANDAPANI,J.
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