

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.16171 of 2014

R.Vellingiri ... Petitioner

Vs.

1.The District Collector,
Coimbatore District, Coimbatore.

2.The Assistant Executive Engineer,
TANGEDCO, Tamil Nadu Electricity Board,
Tirupur Electricity Distribution Circle,
North / Annur 641 653. Coimbatore District.

3.The Assistant Engineer,
TANGEDCO, Tamil Nadu Electricity Board,
Tirupur Electricity Distribution Circle,
North / Annur 641 653.
Coimbatore District.

4.R.Ponnusamy

5.R.Gurusamy

6.R.Murugasan

... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to provide electricity service connection for petitioner's property situate in S.F.No.76/3 in Door No.5/41-B, Arthi Thottam, Ayyikoundan Pudur, Ottarpalayam Village, Annur Taluk, Coimbatore District.

For Petitioner : Mr.S.Mukunth

For Respondents : Mr.B.Anand

Government Advocate for R1

Mr.S.K.Raameshuwar

Standing Counsel (TNEB) for R2 & R3

Mr.P.Saravana Sowmiyan for R4 to R6

O R D E R

The petitioner has filed this Writ Petition for issuance of Writ of Mandamus, directing the respondents to provide electricity service connection to his property situated in S.F.No.76/3 in Door No.5/41-B, Arthi Thottam, Ayyikoundan Pudur, Ottarpalayam Village, Annur Taluk, Coimbatore District.

2. The petitioner has approached the third respondent and submitted an application for availing the electricity service connection and the Board has directed the petitioner to deposit a sum of Rs.1,08,440/- for erecting electricity poles in S.F.No.76/3 in Door No.5/41-B, Arthi Thottam, Ayyikoundan Pudur, Ottarpalayam Village, Annur Taluk, Coimbatore District and he paid the said sum on 06.03.2014. Thereafter, the third respondent vide letter dated 15.04.2014, informed the petitioner that his two brothers, viz., R.Ponnusamy & Mr.R.Gurusamy had tendered objections for providing electricity connection on the ground that they had laid a partition suit in O.S.No.163 of 2012, on the file of District Munsiff, Avinashi and the same is pending. Likewise, the third respondent, through another letter dated 15.04.2014, informed him that one R.Murugasamy had filed a Writ Petition claiming that if the electric poles are erected through the proposed lands, that would amount to sliding of mud into his lands. The petitioner sent reply on 17.05.2014 for the objections raised by the Board, but the respondents have not come forward to provide electricity connection to the petitioner. Hence, the petitioner is before this Court.

3. The learned Standing Counsel for the respondents 2 & 3 would submit that the respondents 4 & 5 / brothers of the petitioners herein have filed a suit in O.S.No.1408 of 2014, and obtained an order of ex-parte on 03.08.2018 and in the said suit, the Electricity Board was also added as a party. Therefore, the respondents cannot lay the electric pole in the subject mentioned property.

4. In the light of the above submission, the Writ Petition is dismissed, giving liberty to the petitioner to work out his remedy before the appropriate Civil Court. There is no order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

r n S.
To

1.The District Collector,
Coimbatore District,
Coimbatore.

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Coimbatore District.

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TANGEDCO,
Tamil Nadu Electricity Board,
Tirupur Electricity Distribution Circle,
North / Annur 641 653.
Coimbatore District.

+1 cc to Government Pleader SR.NO. 20929

+1cc to Mr.Sarvabhauman, Advocate SR.No. 20614

W.P.No.16174 of 2014

A.SK(01/04/2019)



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