



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.26642 of 2019

A.Senthil Murugan

...Petitioner

Versus

1. The Executive Engineer,
TANGEDCO - Tirupattur,
34F, London Mission Road,
Sougath Alipet,
Tirupattur,
Vellore District - 635 601.
2. The Assistant Executive Engineer,
TANGEDCO - Tirupattur Town,
34F, London Mission Road,
Sougath Alipet,
Tirupattur,
Vellore District - 635 601.
3. The Assistant Engineer,
TANGEDCO - Tirupattur North,
34F, London Mission Road,
Sougath Alipet,
Tirupattur,
Vellore District - 635 601.

4. Nirmal Kumar

...Respondents

PRAYER:-Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to provide electricity service connection to the petitioner for the property comprised in S.No.94/13-B2, Pachal Village, Door No.4/1A, Thazhambu Nagar, Tirupathur Town & Taluk, Vellore District.

For Petitioner .. Mr.M.Sivavarthan

For R1 to R3 .. Mr.M.Varun Kumar,
Standing Counsel



For R4

.. No appearance

O R D E R

WEB COPY This Writ Petition is filed, to direct the respondents 1 to 3 herein to provide electricity service connection to the petitioner for the property comprised in S.No.94/13-B2, Pachal Village, Door No.4/1A, Thazhambu Nagar, Tirupathur Town & Taluk, Vellore District.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 to 3.

3. In spite of private notice served on the fourth respondent, there is no representation on his behalf.

4. The case of the petitioner is that the petitioner herein has purchased property in S.No.94/13-B2, Pachal Village, Door No.4/1A, Thazhambu Nagar, Tirupathur Town & Taluk, Vellore District vide sale deed dated 11.09.2009. The property tax receipts for the said land is in the name of the petitioner. When the petitioner approached the Revenue Authorities seeking patta for the said land, it was objected by the fourth respondent and the Revenue officials directed the petitioner herein to approach the Civil Court to resolve the title dispute.

5. Accordingly, the petitioner has filed O.S.No.180/19 on the file of Sub-Court, Tirupathur seeking declaration in respect of the title and injunction restraining the fourth respondent from interfering his peaceful possession. The said suit is pending.

6. While so, the petitioner sought for electricity connection to the said land which was rejected by the first respondent. In view of the pendency of the Civil Suit and objection raised by the fourth respondent.

7. According to the petitioner, he has a perfect title over the property. After getting opinion from Lawyer, he has raised loan by mortgaging the property. While so, taking advantage of some discrepancy in the Survey numbers, the fourth respondent has given objection to the TANGEDCO not to provide the electricity connection, in spite of the title document and House Tax receipts stand in his favour.



8. The request of the petitioner to provide service connection to the land in S.No.94/13-V2 has been declined by the first respondent vide proceedings dated 14.10.2019 quoting the objection of the fourth respondent.

9. The petitioner admittedly in possession of the land. Prima facie title deed is in his favour. Therefore, temporary service connection may be given to the petitioner, so that, his livelihood and basic right of enjoying the amenities will not be deprived.

10. The learned Standing Counsel appearing for the respondents submitted that if the petitioner give an affidavit to the effect that he will not take advantage of the temporary service connection for deciding the civil dispute and the service connection shall be subject to outcome of the Civil Suit, temporary service connection may be given to the petitioner as per the terms and conditions of the TANGEDCO.

11. In the light of the above statement, the Writ Petition is disposed of. The first respondent is directed to consider the application of the petitioner herein and provide temporary service connection after obtaining indemnity bond and affidavit to the effect as contemplated under Tamil Nadu Electricity Distribution Court. No costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

nvi

To

1. The Executive Engineer,
TANGEDCO - Tirupattur,
34F, London Mission Road,
Sougath Alipet,
Tirupattur,
Vellore District - 635 601.
2. The Assistant Executive Engineer,
TANGEDCO - Tirupattur Town,
34F, London Mission Road,
Sougath Alipet,
Tirupattur,
Vellore District - 635 601.



3. The Assistant Engineer,
TANGEDCO - Tirupattur North,
34F, London Mission Road,
Sougath Alipet,
Tirupattur,
Vellore District - 635 601.

+1 CC to Mr.M.Varun Kumar, Advocate sr 99769
+1 CC to Mr.M.Sivavarathanan, Advocate sr 98809.

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SP(06/12/2019)