

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2019

CORAM
THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26317 of 2018 and
W.M.P. No.30580 of 2018

D.Nagalakshmi

.. Petitioner

-VS-

- 1.The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Anna Salai, Chennai - 600 002.
 - 2.The Assistant Electrical Engineer, (O & M),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
R.V.Nagar, Nallur - 641 606, Tiruppur District.
 - 3.The Executive Officer,
Arulmigu Visveswara Swamy Temple,
Nallur, Tiruppur.
- .. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 2nd respondent to give electricity service connection to the petitioner's house situated in S.F.No.182, Nallur Village, Tiruppur Taluk and District in Door No.253/2, 4th Street, Jai Nagar, Rakkiyampalayam Pirivu, Kangayam Road, Nallur, Tiruppur.

For Petitioner :: Mr.C.Prakasam

For Respondents :: Mr.S.K.Rameshwar,
Standing Counsel
for R1 and R2

Mr.M.Maharaja,
Special Government Pleader
for R3

ORDER

The writ petition has been filed for the issue of a Writ of Mandamus, directing the 2nd respondent to give electricity service connection to the petitioner's house situated in S.F.No.182, Nallur Village, Tiruppur Taluk and District in Door No.253/2, 4th Street, Jai Nagar, Rakkiyampalayam Pirivu, Kangayam Road, Nallur, Tiruppur.

2.When the matter is taken up, the learned counsel appearing for the 3rd respondent stated that in a similar circumstance, this Court by order dated 10.10.2017 disposed of the writ petition in W.P.Nos.24086 to 24088 of 2017 and therefore, he prays for a similar order.

3.Placing on record the above order, Mr.M.Maharaja, learned Special Government Pleader appearing for the 3rd respondent also stated that a similar order may be passed in this writ petition. It is relevant to extract para 6 as under:

'Upon hearing the learned counsels appearing on either side, it is evident that the dispute with regard to the title to the property in question is pending adjudication before this court by way of first appeal and therefore, this court, at this stage, cannot express any view on the same. However, as it is stated by the contesting parties viz., the petitioner and the third respondent, that the service connection can be given in the name of the third respondent without prejudice to the contentions of both parties raised in the first appeal, these writ petitions are disposed of only with a direction to the second respondent to give electricity service connection to the property referred to in each writ petition in the name of the third respondent temple, after collecting necessary charges from the petitioner. It is made clear that this order is passed without prejudice to the contentions of either parties in the civil proceedings dealing with title to the property. The second respondent shall comply with the order passed in these writ petitions within a period of three weeks from the date of receipt of copy of this order. No costs.'

4.In the light of the above, the electricity service connection can be given in the name of the 3rd respondent/temple, subject to the payment of necessary charges, without prejudice to the contentions of both parties on the issue relating to the title pending before the Civil Court.

5.Accordingly, the writ petition is disposed of with a direction to the 2nd respondent to give electricity service connection in the name of the 3rd respondent/temple, after

collecting necessary charges from the petitioner. It is made clear that this order is passed without prejudice to the contentions of either parties in the civil proceedings dealing with title to the property. The 2nd respondent shall comply with the order passed in this writ petition within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected W.M.P. is closed.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

vs

To

- 1.The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Anna Salai, Chennai - 600 002.
- 2.The Assistant Electrical Engineer, (O & M),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
R.V.Nagar, Nallur - 641 606, Tiruppur District.
- 3.The Executive Officer,
Arulmigu Visveswara Swamy Temple,
Nallur, Tiruppur.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.35266
+1cc to the Government Pleader, S.R.No.36480

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PP (CO)

RRS (23/04/2019)

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