



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.05.2019

Coram

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

Writ Petition (MD)No.11782 of 2019

and

W.M.P. (MD) .No.8915 of 2019

Smt.A.Arumugam

. . . Petitioner

-Vs-

- 1.The Superintending Engineer,
Tamilnadu Electricity Board,
K.Pudur, Madurai.
- 2.The Executive Engineer,
Tamilnadu Electricity Board,
East Division, Thiruppalai,
Madurai-14.
- 3.The Assistant Electrical Engineer,
Tamilnadu Electricity Board,
Tirupalai, Madurai-14.

. . . Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating with the proceeding of 3rd respondent in K.No. A.E.E/Rur/Tirup/K.Pudur/A.No. /19 dated 25.01.2019 and in consequence to direct to grant new service connection to the petitioner's building Door No.225A(1/288A), Tiruppalai Madurai Town.

For petitioner	: Mr.R.Suriyanarayanan
For respondents	: Mrs.Rajeshwari for M/s.S.M.S.Johny Basha

ORDER

The petitioner is the owner of the vacant site of 344 sq.ft in Sy.No.92 in Thiruppalai, Madurai Town. She purchased the property under a registered sale deed dated 09.04.2008 and constructed a new building therein, after obtaining planning permission and after availing a financial assistance from the Tamil Nadu Slum Clearance Board and the building was assessed to property tax and she has been paying property tax till date. While such being the position, the petitioner applied for new electricity service connection for her building to the third respondent, after paying necessary charges and also after providing necessary equipments for getting connection.

<https://hcservices.ecourts.gov.in/hcservices/> 2. After receiving the said application, the third respondent made an inspection to the spot and satisfied that the line could be drawn through the common lane situated on the east of of the



petitioner's land. However, in stead of granting service connection, the third respondent passed the impugned order, dated 25.01.2019 stating that somebody has objected for effecting electricity service connection through the lane and also directed the petitioner to produce the document to establish that the lane is a common lane. Against which, the present writ petition has been filed.

3.The learned counsel for the petitioner would submit that admittedly, that lane is a common lane and further the property was purchased by the petitioner from one Selvam, S/o.Manickavasagam. In the sale deed itself, it is clearly mentioned that on the north-south boundary, an east-west common lane is situated and on the east-west boundary, an south-north common lane is situated. The said boundaries are also mentioned in her sale deed dated 09.04.2008 and all those sale deeds are annexed with the application. However, without perusing those sale deeds, the third respondent has mechanically rejected the application with ulterior motive.

4.The learned Standing Counsel appearing for the respondents would submit that even the impugned order did not mention the names of the objector. However, this Court may grant an opportunity to the petitioner to once again submit the sale deed before the third respondent. Thereafter, the third respondent shall pass appropriate orders.

5.On perusal of the two sale deeds filed before this Court, it is clearly mentioned as "common lane". Further, it appears that the Slum Clearance Board granted financial assistance by its proceedings No.Se.Mu.Ka.No.A1/119/2016, dated 27.05.2016 and Madurai Corporation also assessed the said house to property tax.

6.In view of the above, there is no legal impediment to consider the petitioner's request for electricity service connection. Hence, I am inclined to direct the third respondent to consider the application of the petitioner for electricity connection and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

VS



To

1.The Superintending Engineer,
Tamilnadu Electricity Board,
K.Pudur, Madurai.

2.The Executive Engineer,
Tamilnadu Electricity Board,
East Division, Thiruppalai,
Madurai-14.

3.The Assistant Electrical Engineer,
Tamilnadu Electricity Board,
Tirupalai, Madurai-14.

+1CC TO MR.R.SURIYANARAYANAN, Advocate Sr. No.65329

W.P. (md) .No.11782 of 2019

MA (CO)

TR (23.05.2019) 3P 5C