



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.4111 of 2019

and

W.M.P (MD) .No.3215 of 2019

V.Subbaian

... Petitioner

Vs

1.The Superintending Engineer,
TANGEDCO,
Theni, Theni District.

2.The Executive Engineer,
TANGEDCO,
Distribution, Chinnamanur Division,
Chinnamanur, Theni District.

3.The Assistant Engineer,
TANGEDCO,
Operations and Maintenance,
Chinnamanur Village Division,
Chinnamanur, Theni District.

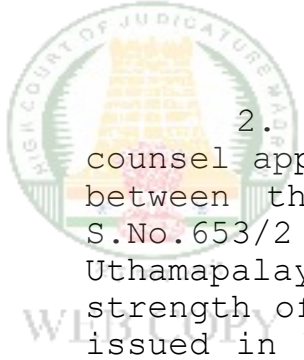
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to restore the electricity service connection in SC.No.542-008-1445 at Sri Vikasa Vidyalaya Public School, Chinnamanur, Theni District based on the representation of the petitioner dated 24.09.2018 within a time frame fixed by this Court.

For Petitioner : Mr.B.Saravanan
For Respondents : Mr.S.M.S.Johnny Basha

ORDER

The writ petitioner had established a School in S.Nos.653/2, 653/3 and 661/1 (T.S.Nos.4/4, 4/5 and 3/1), Karukattankulam Village, Chinnamanur Town, Uthamapalayam Taluk, Theni District. The petitioner was given temporary electricity service connection to put up the said construction. The petitioner now wants a permanent connection. But then, the respondents have disconnected the supply following the construction of the School. Therefore, seeking its restoration and conversion of the temporary connection to permanent connection, this Writ Petition came to be filed.



2. When the matter was taken up for hearing, the learned counsel appearing for the TANGEDCO submitted that there is a dispute between the writ petitioner and one Balachandran in respect of S.No.653/2 and that it is presently pending before the Tahsildar, Uthamapalayam Taluk. The petitioner is claiming title on the strength of the sale deed dated 04.02.2015. In fact patta was also issued in his favour originally, but later dispute has been raised by the said Balachandran.

3. I am of the view that the respondents can very well restore the electricity supply subject to the out come of the said proceedings. The electricity is a basic amenity and since the petitioner has put up a School, it would be most unreasonable to deny supply of electricity for the said building. Hence, the Writ Petition stands allowed. It is made clear that the petitioner's right would abide by the out come of the proceedings, which is pending between him and the said Balachandran. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

rmk

TO:

- 1.The Superintending Engineer,
TANGEDCO, Theni, Theni District.
- 2.The Executive Engineer, TANGEDCO,
Distribution, Chinnamanur Division,
Chinnamanur, Theni District.
- 3.The Assistant Engineer, TANGEDCO,
Operations and Maintenance,
Chinnamanur Village Division,
Chinnamanur, Theni District.

1CC TO MR. B. SARAIVANAN, ADVOCATE SR 60947

KK 24/04/2019

2P 5C

W.P. (MD) No.4111 of 2019