

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.03.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P.No.9417 of 2019

S. Ganapathi

... Petitioner

Vs.

- 1.The Superintending Engineer,
Namakkal Electricity Distribution Circle,
Namakkal, Namakkal District.
 - 2.The Executive Engineer, (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd., Tamil Nadu Electricity
Board, Tiruchengode, Namakkal District.
 - 3.The Assistant Executive Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd., Tamil Nadu Electricity
Board, Elachipalayam, Tiruchengode Taluk,
Namakkal District.
 - 4.The Assistant Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Vaiyappamalai East,
Namakkal District.
- ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the fourth respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 23.02.2019 within a stipulated time as this Court may fix.

For Petitioner : Mr. C. Prakasam

For Respondents : Mr. N. Damodaran,
Standing Counsel

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the fourth respondent to consider the representation made by the petitioner on 23.02.2019 and to provide electricity connection to the petitioner.

2. The case of the petitioner is that he has an open well from which he has to use the water for irrigating the lands. For that purpose, the petitioner has obtained an

electricity service connection. The service connection is given from an electrical poll which is situated in the adjacent property. The adjacent property owner has made an objection on the ground that the electricity connection must not be given from the poll that is situated from his property. In the meantime, due to rain, the poll fell down and therefore, the petitioner made a representation to the fourth respondent requesting to erect the new electrical poll in his property at his cost. Since the same was not considered, the present writ petition has been filed before this Court.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. No one can claim ownership over the electrical poll which is the property of the department. It is left open to the department to draw the wire from any poll and grant electricity connection. The owner of the property in whose land the poll is erected, cannot make an objection to the department to the effect that the electricity connection from that electrical poll cannot be drawn to any other person. The arrangement of the electrical poll is something which is left to the discretion of the department and the electrical poll cannot be erected for each and every house owner. Just because an objection has been made, that will not stop the respondents to consider giving electricity connection to the petitioner. If possible, the respondents can also consider erecting a poll and the petitioner has undertaken to bear the cost.

5. In view of the above, there shall be a direction to the fourth respondent to consider the representation made by the petitioner on 23.02.2019 and take appropriate action to erect a new electrical poll from where the electricity can be drawn to the petitioner. The petitioner has already undertaken to bear the cost. The decision in this regard shall be taken, within a period of six weeks from the date of receipt of copy of this order.

6. This writ petition is disposed of with the above direction. No costs.

AT

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

- 1.The Superintending Engineer,
Namakkal Electricity Distribution Circle,
Namakkal, Namakkal District.
 - 2.The Executive Engineer, (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd., Tamil Nadu Electricity
Board, Tiruchengode, Namakkal District.
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Namakkal District.
 - 4.The Assistant Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Vaiyappamalai East,
Namakkal District.
- +1cc to Mr.*, Advocate SR.No.
+1cc to Mr.*, Advocate SR.No.
+1cc to Government Pleader SR.No.

W.P.No.9417 of 2019

(CO)
mst (27/05/2020)

सत्यमेव जयते

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