

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.13300 of 2020

Mr.Rajadurai

..Petitioner

Vs.

1.The Superintending Engineer,
Tamilnadu Electricity Generation
and Distribution Corporation (TANGEDCO),
Cuddalore District.

2.The Junior Engineer,
Tamilnadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Kadampulliyur,
Panruti Taluk,
Cuddalore District.

3.The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.

4.Dhanavel

5.Damodaran

6.Rajendran

..Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents 1 & 2 to provide electricity connection to the House belongs to the petitioner at No.26, Amman Koil Street, Purankani Village, Kadampuliyur Post, Panruti Taluk, Cuddalore District with the aid of the 3rd respondent within the stipulated time as that may be fixed by this Court.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.M.Varun Kumar for R 1 & 2
Standing Counsel

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents 1 and 2 to provide electricity connection for the subject property belonging to the petitioner.

2.The case of the petitioner is that the subject property was originally owned by the grandfather of the petitioner. After his demise, it devolved upon his legal heirs and there was a partition among themselves and the father of the petitioner was also allotted a share in the property. The petitioner had put up a construction in the share allotted to his father. The father of the petitioner died on 26.07.1990.

3.The petitioner applied for electricity connection on 23.07.1990, before the respondents 1 and 2. In the meantime, respondents 4 to 6 filed a suit in O.S.No.82/2020, on the file of the District Munsif, Panruti, seeking for permanent injunction. A specific averment has been made in the affidavit filed in support of the writ petition that no interim orders were granted by the Civil Court in favour of respondents 4 to 6.

4.The grievance of the petitioner is that even though the payments have been made and all the formalities have been completed, respondents 1 and 2 are not taking any steps to provide electricity connection in the name of the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court, seeking for appropriate directions.

5.Mr.M.Varun Kumar, learned Standing Counsel appearing on behalf of respondents 1 and 2 submitted that the application has been processed and the petitioner has also made the necessary payments and when the Officials went for effecting the electricity connection, respondents 4 to 6 created a law and order problem and as a result of the same, the Officials were not able to proceed further. The learned counsel further submitted that without police protection, the Officials cannot effect any electricity connection to the property belonging to the petitioner.

6.The learned counsel for the petitioner submitted that respondents 4 to 6, who were not able to get any interim order before the Court below, are physically preventing the Officials from giving any electricity connection to the property belonging to the petitioner.

7.Taking into consideration the facts and circumstances of the case and also of the fact that respondents 1 and 2 have already processed the application and necessary fees has been

paid by the petitioner, there shall be a direction to the respondents 1 and 2 to proceed further and provide electricity connection to the premise belonging to the petitioner. If any law and order problem is created by respondents 4 to 6, respondents 1 and 2 can take the assistance of the 3rd respondent Police. It is made clear that this order will not stand in the way of respondents 4 to 6, claiming their right in the property and they should do so in the manner known to law. The respondents 1 and 2 shall also ensure that no interim orders have been passed by the Court below in this regard before effecting the electricity connection.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintending Engineer,
Tamilnadu Electricity Generation
and Distribution Corporation (TANGEDCO),
Cuddalore District.
2. The Junior Engineer,
Tamilnadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Kadampulliyur,
Panruti Taluk,
Cuddalore District.
3. The Inspector of Police,
Kadampuliur Police Station,
Cuddalore District.

+1cc to M/s.N.Umapathi, Advocate in SR.NO..31657

+1cc to Mr.M.Varunkumar, Advocate in SR.NO..31619

W.P.No13300 of 2020

KJ(CO)
RV(15/10/202)