

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.31544 of 2019

and

WMP No.31735 of 2019

1.K.Palanisamy
2.P.Pradeep
3.P.Chandralekha ... Petitioners

.v.

1.The Junior Engineer,
TANGEDCO, Thiruvalluvar Nagar,
Office at: Pollikalipalayam,
Karaipudur Village,
Palladam Taluk,
Tiruppur District.
2.M.Govindammal ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to provide electricity service connections to the petitioners' residential building & 5 commercial shops, which were constructed in accordance with the construction approvals of the Karaipudur Panchayat dated 13.12.2017 in Survey No.381/1B, Avarapalayam Pirivu, Karaipudur Village, Palladam Taluk, Tiruppur District.

For Petitioners : Mr.K.Myilsamy
For R 2 : Mr.K.S.Karthik Raja
For R 1 : No Appearance

O R D E R

This writ petition has been filed for the issue of a Writ of Mandamus, directing the 1st respondent to provide

electricity connection to the petitioners for their residential buildings and shops.

2.The case of the petitioners is that they are the owners of the residential building and five commercial shops and they applied for permanent electricity connection before the 1st respondent. An objection was given by the 2nd respondent and therefore, the 1st respondent did not consider the application that was submitted by the petitioners. Aggrieved by the same, the present writ petition has been filed before this Court.

3.Heard Mr.K.Myilsamy, learned counsel appearing for the petitioners and Mr.K.S.Karthik Raja, learned counsel appearing on behalf of the 2nd respondent.

4.It is seen from records that there is already a suit pending between the petitioners and the 2nd respondent with regard to the property in O.S.No.303/2018. The suit has been filed by the 2nd respondent claiming for the relief of partition and separate possession. In view of the same, the 2nd respondent has given an objection to the 1st respondent and the 1st respondent therefore, did not consider the application submitted by the petitioners seeking for electricity connection.

5.The petitioners have already put up a residential building and commercial shops. By granting electricity connection, the same will not decide the inter se rights between the parties and the same has to be independently established by the parties in the pending suit. The 1st respondent need not wait for the disposal of the suit for giving electricity connection more particularly when there is no order restraining the petitioners from getting electricity connection.

6.In view of the above, there shall be a direction to the 1st respondent to consider the application made by the petitioners and grant electricity connection to the petitioners, subject to the relevant rules after collecting the necessary fees. This process shall be completed within a period of four weeks from the date of receipt of copy of this order. It is made clear that the electricity connection given by the 1st respondent will not in any way have any impact on the rights of the parties and the same will be independently considered by the Competent Civil Court while deciding the suit.

This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

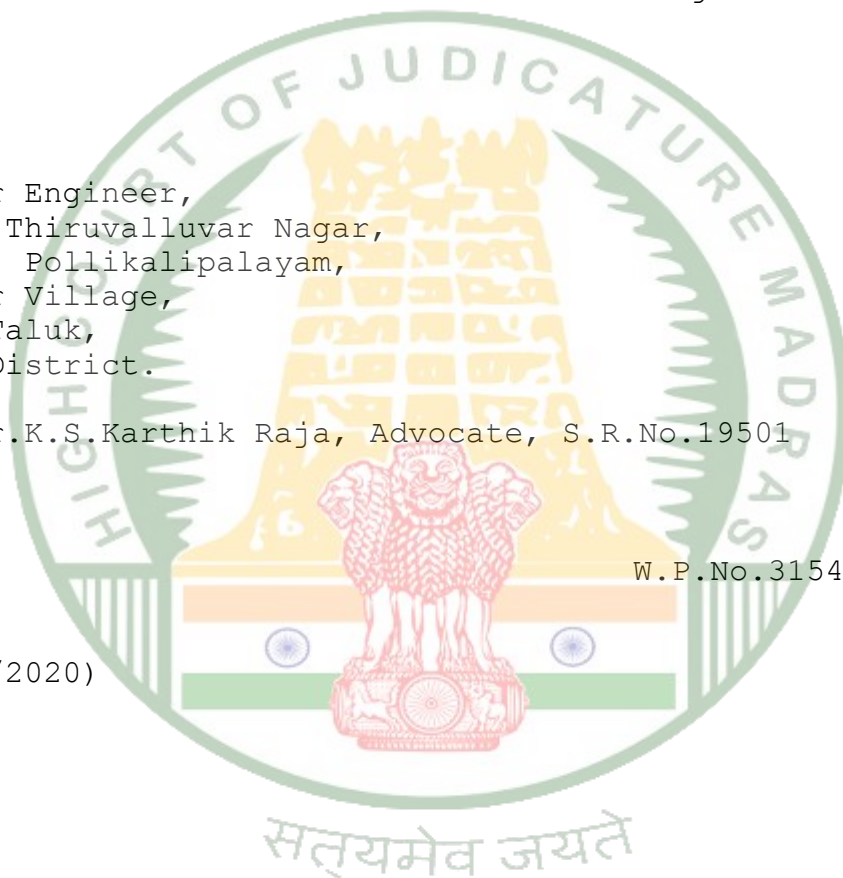
To

The Junior Engineer,
TANGEDCO, Thiruvalluvar Nagar,
Office at: Pollikalipalayam,
Karaipudur Village,
Palladam Taluk,
Tiruppur District.

+1cc to Mr.K.S.Karthik Raja, Advocate, S.R.No.19501

W.P.No.31544 of 2019

MP (CO)
RSI (21/05/2020)



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