



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.13670 of 2020

J.Akbar

.. Petitioner

Vs.

1.The Assistant Engineer, (Distribution)
TANGEDCO, Power House,
Subramaniapuram, Madurai - 11.

2.Askar

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to provide individual / separate electricity service connection in the petitioner's name in respect of the left hand side portion of the properties comprised in Door Nos.43, 46, Melavadampokki Street, Madurai in consonance with the Judgment and decree dated 03.12.2018 made in O.S.No.229/2017 on the file of 6th Additional District Court, Madurai on the basis of the applications dated 12.08.2020.

For Petitioner	:	Mr.R.G.Shankar Ganesh
For Respondents	:	Mrs.M.Rajeswari for Mr.SMS.Johny Basha

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to provide individual / separate electricity service connection to the petitioner, in respect of his portion of the property at Door Nos.43, 46, Melavadampokki Street, Madurai.

2.It is the case of the petitioner that under a compromise decree dated 03.12.2018, passed by the learned VI Additional District Court, Madurai, in O.S.No.229 of 2017, the petitioner was allotted the above mentioned portion of the property. There was a dispute between the petitioner and his brother J.Askar, who is the second respondent herein, which resulted in the filing of the suit O.S.No.229 of 2017 and ultimately the said suit got compromised under the above mentioned compromise decree. As per the compromise decree, a portion of the property in Door Nos.43, 46, Melavadampokki Street, Madurai, was allotted to the petitioner and the remaining portion was allotted to the second respondent. It is the contention of the petitioner that the second respondent also applied for



electricity service connection with the first respondent and since the first respondent did not grant the said connection, he had approached this Court and by order, dated 15.10.2019, passed in W.P. (MD).Nos.21746 and 21748 of 2019, this Court directed the first respondent to grant electricity service connection to the second respondent. However, according to the petitioner, the first respondent refused to receive even the application submitted by the petitioner for the electricity service connection in respect of his portion at Door Nos.43, 46, Melavadampokki Street, Madurai. As was done by his brother, the petitioner was also asked to obtain Court orders for getting electricity service connection. Since the electricity service connection was not granted, this writ petition has been filed.

3.At the out set, the learned counsel for the petitioner on instructions would submit that the petitioner is ready to comply with all the statutory requirements for getting the electricity service connection in the name of the petitioner, in respect of his portion of the property at Door Nos.43, 46, Melavadampokki Street, Madurai. This being the case, the first respondent ought not have refused to receive the application submitted by the petitioner for obtaining an electricity service connection for his portion.

4.The learned Standing counsel for the respondent would submit that the petitioner has to produce property tax receipts and other required documents sought for by the respondents for obtaining an electricity service connection. For this, the learned counsel for the petitioner on instructions would submit that the petitioner is willing to comply with all the statutory requirements of the respondents for obtaining the electricity service connection. In such circumstances, this Court is of the considered view that the petitioner will have to submit an application for obtaining electricity service connection in respect of his portion at Door Nos.43, 46, Melavadampokki Street, Madurai, along with the required documents sought for by the first respondent and the first respondent will have to consider the same and grant electricity service connection to the petitioner, if he has complied with all the requirements of the first respondent.

5.For the foregoing reasons, the petitioner is directed to submit an application for electricity service connection in respect of his portion at Door Nos.43, 46, Melavadampokki Street, Madurai, within a period of two weeks from the date of the receipt of a copy of this order. On receipt of the same, the first respondent shall consider the same on merits and if the petitioner satisfies all the statutory requirements of the first respondent for the grant of electricity service connection in his name, the first respondent shall grant the electricity service connection to the petitioner within a period of four weeks thereafter.



6. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

WEB COPY

/ /2020

Sub Assistant Registrar (CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

The Assistant Engineer, (Distribution)
TANGEDCO, Power House,
Subramaniapuram, Madurai - 11.

W.P(MD).No.13670 of 2020
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NS (CO)
KB(16.10.2020) 3P 2C