



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.15234 of 2020
(Through Video Conference)

K.Annamalai

... Petitioner

Vs

1. The Assistant Executive Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Dindigul Electricity Distribution Circle,
Tamil nadu Electricity Board, Kannivadi,
Kannivadi post, Dindigul West Taluk,
Dindigul District - 624 705

2. Balasubramani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to grant permission to the petitioner to operate change over double through switch system in respect of agricultural electrical supply service connection in SC.No.191, situated at S.F.No.517/4A of Alathuranpatti, Sirangadu Village, near Muthuchamy Kovil, Kannivadi post, Dindigul West Taluk, Dindigul District, based on the representation of the petitioner dated 14.10.2020 within a stipulated time.

For Petitioner	: Mr.A.Saravanan
For R-1	: Mrs.M.Rajeswari, For Mr.S.M.S.Johnny Basha, Standing counsel
For R-2	: Mr.K.Gokul

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to grant permission to the petitioner to operate change over double through switch system in respect of agricultural electrical supply service connection in SC.No.191, situated at S.F.No.517/4A of Alathuranpatti, Sirangadu Village, near Muthuchamy Kovil, Kannivadi post, Dindigul West Taluk, Dindigul District, based on the representation of the petitioner dated 14.10.2020 within a stipulated time frame to be fixed by this Court.

2. Mrs.M.Rajeswari, learned counsel appearing on behalf of Mr.S.M.S.Johnny Basha, learned standing counsel for the respondents accepts notice for the respondents. By consent of both sides, this



writ petition is taken up for final disposal at the stage of admission itself.

3. Heard Mr.A.Saravanan, learned counsel appearing for the petitioner and Mrs.M.Rajeswari, learned counsel representing Mr.S.M.S.Johnny Basha, learned standing counsel appearing for the respondents.

4. It is the case of the petitioner that by his representation dated 14.10.2020, the first respondent has sought for permission to operate change over/ double, through switch system in respect of agricultural electrical supply service connection in SC.No.191, situated at S.F.No.517/4A of Alathuranpatti, Sirangadu Village, near Muthuchamy Kovil, Kannivadi post, Dindigul West Taluk, Dindigul District. It is his further case that till date, his representation has not been considered. In such circumstances, he has filed this writ petition.

5. As seen from the affidavit filed in support of the writ petition, there are disputes between the petitioner and the second respondent. The first respondent has also filed his counter before this Court wherein, he has stated that no application has been submitted by the petitioner as per the provisions of the Electricity Act for the change of switch connection.

6. According to the learned standing counsel appearing for the respondents, only when the petitioner submits a separate application, in accordance with the statutory provisions of change over switch connection, the same can be considered by the first respondent on merits and in accordance with law, after hearing all the necessary parties, including the second respondent, who has raised a dispute.

7. This Court is of the considered view that no prejudice would be caused to any of the parties, if the petitioner is directed to submit an application as per the statutory provisions for change of switch connection for the aforementioned service connection. For the foregoing reason, this Court directs the petitioner to submit an application in accordance with the statutory provisions with the first respondent for change over of switch connection in respect of SC.No.191, situated at S.F.No.517/4A of Alathuranpatti, Sirangadu Village, near Muthuchamy Kovil, Kannivadi post, Dindigul West Taluk, Dindigul District within a period of twelve weeks from the date of receipt of a copy of this order.

8. On receipt of the same, the first respondent shall pass final orders on merits and in accordance with law, after hearing the necessary parties, including the second respondent, within a period of twelve weeks from the date of receipt of a copy of this order.



9. With the aforesaid directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar ()

// True Copy //

WEB COPY

/ /2020

Sub Assistant Registrar(CS)

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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 Executive Engineer (Operation and Maintenance),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Dindigul Electricity Distribution Circle,
Tamil nadu Electricity Board, Kannivadi,
Kannivadi post, Dindigul West Taluk,
Dindigul District - 624 705.

+1 CC to M/s.K. GOKUL, Advocate (SR-23721[F] dated 02/12/2020)

+1 CC to M/s.A.SARAVANAN, Advocate (SR-23755[F] dated 03/12/2020)

W.P. (MD) No.15234 of 2020
01.12.2020

ARK(CO)

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