



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.17031 of 2020

D.Poongodi

.. Petitioner

Vs.

1.The Executive Engineer,
TANGEDCO,
Kovai Road,
Karur District.

2.The Assistant Executive Engineer,
TANGEDCO,
Kovai Road,
Karur District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing respondents No.1 and 2 to transfer the Electricity Service Connection i.e., S.C.No.183, 184, 185, 186, 187, 188, 189, 204, 205, 232, 421, 422, 844, 958, 959, 980 and 503 to the petitioner's name on the strength of the petitioner's registered sale deed dated 16.04.2020 in Doc.No.628/2010 and by taking into consideration of the petitioner's transfer applications submitted in this regard as expeditiously as possible, within the time stipulation as prescribed by this Court.

For Petitioner

: Mr.R.Anand

For Respondent

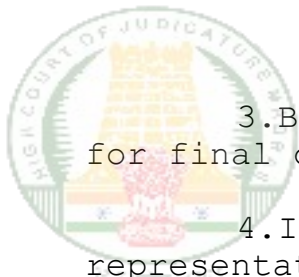
: Mrs.M.Rajeswari for
Mr.SMS.Johnny Basha
Standing Counsel

ORDER

(This writ petition is heard through Video Conference)

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to transfer the Electricity Service Connection i.e., S.C.No.183, 184, 185, 186, 187, 188, 189, 204, 205, 232, 421, 422, 844, 958, 959, 980 and 503 to the petitioner's name on the strength of the petitioner's registered sale deed, dated 16.04.2020, in Doc.No.628/2010, within the time stipulation as prescribed by this Court.

2.Heard Mr.R.Anand, learned counsel for the petitioner, Mrs.M.Rajeswari, learned Counsel for Mr.SMS.Johnny Basha, learned Standing Counsel for the respondents.



3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that he has given a representation on 12.09.2020, seeking for transfer of the aforementioned service connection in her name, since she has purchased the aforementioned property under sale deed dated 16.04.2010, (registered as document No.628 of 2010). It is her case that there was a delay in obtaining patta and other revenue documents for the said property and that is the reason for delay in requesting the respondents to transfer the electricity service connection in his name even though the said deed is of the year 2010. It is his case that now he is having the patta and other revenue documents for the property. Therefore, according to the petitioner, there is no impediment for the respondents to transfer the electricity service connection in her name. In such circumstances, this writ petition has been filed.

5.The petitioner has sought for a positive direction from this Court namely seeking for a direction to the respondents 1 and 2 to transfer the electricity service connection for the aforementioned property in her name. Such positive direction cannot be granted by this Court. It is for the respondents to consider the petitioner's application for transfer of electricity service connection on merits and in accordance with law. The only limited relief that can be granted by this Court is to direct the respondents to consider the petitioner's application seeking for transfer of electricity service connection for the aforementioned property in her name on merits and in accordance with law, after hearing the necessary parties.

6.The learned Standing Counsel for the respondents on instructions would submit that the petitioner has not submitted any application in accordance with the provisions of the Tamil Nadu Electricity Act, but, instead of, has only submitted a representation. Therefore, she would submit on instructions that unless and until an application for transfer of electricity service connection is submitted by the petitioner in accordance with the statutory provisions, the respondents will not be in a position to consider the same on merits and in accordance with law.

7.For the foregoing reasons, this Court directs the petitioner to submit an application for transfer of electricity service connection i.e., S.C.No.183, 184, 185, 186, 187, 188, 189, 204, 205, 232, 421, 422, 844, 958, 959, 980 and 503 in her name with the second respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent shall pass final orders, on merits and in accordance with law, after hearing all necessary parties including the petitioner within a period of four weeks thereafter.



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

Sd/-

Assistant Registrar (P&A)

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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.

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