



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.16965 of 2020

(Through Video Conferencing)

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... Petitioner

Vs

1) The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Sivagangai Electricity Distribution Circle,
Sivagangai.

2) The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Thiruppathur,
Sivagangai District.

3) The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
S.Pudur, Singampunari Taluk,
Sivagangai District.

4) Periyasamy
5) Kumarappan
6) Palaniappan
7) K.Manikandan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to provide opportunity to the petitioner while considering any application for providing electricity connection to the petitioner's properties bearing S.No.128 measuring 3 acres 61 cents and S.No.129/2 measuring 4 acres 89 cents of Manthakudipatti Village, Singampunari Taluk, Sivagangai District based on the petitioner's representation dated 08.11.2020 and pass orders within a time frame fixed by this Court.

For Petitioner : Mr.P.T.Ramesh Raja

For RR 1-3 : Ms.M.Rajeswari,
For Mr.S.M.S.Johnny Basha,
Standing counsel



O R D E R

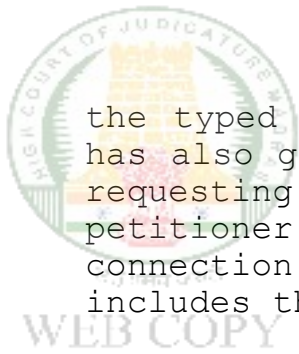
This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 3 to provide an opportunity to the petitioner while considering any application of any third party for providing electricity connection to the petitioner's properties bearing S.No.128 measuring 3 acres 61 cents and S.No.129/2 measuring 4 acres 89 cents of Manthakudipatti Village, Singampunari Taluk, Sivagangai District based on the petitioner's representation dated 08.11.2020.

2. Ms.M.Rajeswari, learned counsel appearing on behalf of Mr.S.M.S.Johnny Basha, learned standing counsel accepts notice for the respondents 1 to 3. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the case of the petitioner that she became the absolute owner of the aforementioned property, after the death of her husband Karuppaiah, who died on 28.03.2008. It is her case that Karuppaiah purchased the aforementioned properties under sale deed dated 01.08.1974 and 30.04.1983. It is her case that the respondents 4 to 6, who are the brothers of the petitioner's husband are attempting to get electricity service connection for the same property claiming that they are the owners of the same. The seventh respondent is the son of the petitioner. The petitioner has given a representation on 08.11.2020 to the respondents 1 to 3 requesting them to provide an opportunity to her whenever any application for providing electricity service connection in respect of the petitioner's properties bearing S.No.128 measuring 3 acres 61 cents and S.No.129/2 measuring 4 acres 89 cents at Manthyakudipatti Village, Singampunari Taluk, Sivagangai District is submitted by any third party, which includes the respondents 4 to 7 in this writ petition. According to her, till date, her representation dated 08.11.2020 has not been considered by the respondents 1 to 3. In such circumstances, this writ petition has been filed.

4. Heard Mr.P.T.Ramesh Raja, learned counsel appearing for the petitioner and Ms.M.Rajeswari, learned counsel appearing on behalf of Mr.S.M.S.Johnny Basha, learned standing counsel for the respondents.

5. The relief sought for in this writ petition is an innocuous relief. The petitioner claims that subsequent to the death of her husband in the year 2008, she is the absolute owner of the aforementioned properties. The sale deed standing in the name of the petitioner's husband has also been filed in the typed set of documents filed by the petitioner along with this writ petition, which discloses that the petitioner's husband is the owner. The death certificate of the petitioner's husband has also been filed in



the typed set of documents filed by the petitioner. The petitioner has also given a representation on 08.11.2020 to respondents 1 to 3 requesting them to provide an opportunity of hearing to the petitioner as and when any application for providing electricity connection for her property is made by any third party, which includes the respondent 4 to 7 in this writ petition.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 08.11.2020 requesting for an opportunity of being heard as and when any application for electricity service connection is sought for in respect of the properties bearing S.No.128 measuring 3 acres 61 cents and S.No.129/2 measuring 4 acres 89 cents at Manthyakudipatti Village, Singampunari Taluk, Sivagangai District and pass final orders, as to whether an opportunity is required to be granted to the petitioner or not, within a period of four weeks from the date of receipt of a copy of this order.

7. If the second respondent decides that an opportunity will have to be granted, the third respondent shall grant an opportunity of hearing to the petitioner as and when any application for electricity service connection is sought for by any third party in the aforementioned property. It is also made clear that before passing any order, the second respondent will also have to necessarily afford sufficient opportunity to the respondents 4 to 7 in this writ petition.

8. With the aforesaid directions, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True 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:

1) The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Thiruppathur,
Sivagangai District.

<https://hcservices.ecourts.gov.in/hcservices>



2) The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
S.Pudur, Singampunari Taluk,
Sivagangai District.

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+1 CC to Mr.P.T.RAMAESH RAJA, Advocate (SR-23287[F] dated
30/11/2020)

Order made in
W.P. (MD) No.16965 of 2020
27.11.2020

VB (18.12.2020) 4P 4C