



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.17609 of 2020

(Through Video Conference)

Kathoon Yasmin

... Petitioner

Vs.

1.The Assistant Engineer,
(Rural) TANGEDCO,
Shengottai,
Tenkasi District.

2.Beer Mohamed

3.Shahul Hameed

4.Maideen Abdulkadhar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the first respondent in his proceedings made in க.எண் : பா/ஷ/திபு/செங் / கோ.ப.மனு/அ.எண்.313/20 dated 03.11.2020 and quash the same as illegal, consequently, to direct the first respondent to provide electricity service connection to the petitioner on the basis of her online application in Application No.2000703410201115 dated 24.10.2020 by accepting an indemnity bond from the petitioner within a time frame.

For Petitioner : Mr.D.Venkatesh

For R-1 : Mrs.M.Rajeswari for

Mr.S.M.S.Johny Basha (Standing Counsel)

O R D E R

This writ petition has been filed challenging the order dated 03.11.2020 passed by the first respondent rejecting the petitioner's application seeking for grant of electricity service connection for the property measuring 60.70 sq. mt. in New Survey No.142/13 situated at 1st Street, Poolangudiruppu Village, Tenkasi District, on the ground that the respondent Nos.2, 3 and 4, have filed a suit for partition in respect of the same property.

2. Admittedly, as seen from the affidavit filed in support of this writ petition, there are disputes between the petitioner and

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



the respondent Nos.2, 3 and 4. The petitioner claims that she is a bonafide purchaser for valuable consideration. However, respondent Nos.2, 3 and 4 have filed a suit in O.S.No.53 of 2020 for partition pending on the file of the District Munsif Court, Shengottai and each of them are claiming 3/5th share in the house property purchased by the petitioner.

3. The first respondent has rejected the application of the petitioner seeking for grant of electricity service connection on the ground that a partition suit is pending over the same property. However, as seen from the impugned order, neither the petitioner nor the respondent Nos.2, 3 and 4, were heard before passing of the impugned order.

4. Therefore, this Court is of the considered view that principles of natural justice has been violated by the first respondent while passing the impugned order rejecting the petitioner's application seeking for grant of electricity service connection.

5. It is for the first respondent to consider the petitioner's application seeking for grant of electricity service connection on merits and in accordance with law after hearing necessary parties including the petitioner as well as the respondent Nos.2, 3 and 4. Since the same has not been done so in the instant case, the impugned order will have to be quashed.

6. For the foregoing reasons, the impugned order dated 03.11.2020 passed by the first respondent is quashed and the matter is remanded back to the first respondent for fresh consideration and the first respondent shall pass final orders on merits and in accordance with law after hearing the petitioner as well as the respondent Nos.2, 3 and 4 and also after affording them with sufficient opportunity to put forth their respective contentions, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this writ petition is disposed of. No Costs.

Sd/-

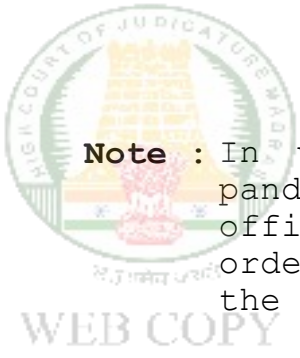
Assistant Registrar(P & A)

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/ /2020

Sub Assistant Registrar(CS)

pm



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,
(Rural) TANGEDCO,
Shengottai,
Tenkasi District.

Order made in
W.P. (MD) No.17609 of 2020
Dated: **11.12.2020**

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pu(CO)
TR(22.12.2020) 3P 2C