



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 20777 of 2018

and

W.M.P. (MD) No. 18529 of 2018

M.Lakshmana Thevar

... Petitioner

-Vs-

1.The Executive Engineer, (Distribution),
Tamil Nadu Generation of Electricity
and Distribution Corporation (TANGEDCO),
Tenkasi, Tirunelveli District.

2.The Executive Officer,
Achanputhur Town Panchayat,
Kadayanallur Taluk, Tirunelveli District.

3.The Assistant Electricity Engineer, (Distribution),
Tamil Nadu Generation of Electricity
and Distribution Corporation (TANGEDCO),
Vadakarai-627 812, Kadayanallur Taluk,
Tirunelveli District.

4.Muthaiah Pandi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned communication of the first respondent in க.எண்.செ.பொ/வி/தென/தொ.நு.உ.2/கோ.பு.மனு/அ.எண்.3230/18 நாள் 31.08.2018, quash the same and consequently, directing the respondents 1 and 3 herein to provide electricity service connection to the petitioner's house situated at D.No.7/1, 3rd Street, 5th Ward, Main Road, Achanputhur, Kadayanallur Taluk, Tirunelveli District without imposing any condition.

For Petitioner : Mr.D.Srinivasaragavan

For R1 to R3 : Mrs.M.Rajeswari,
for Mr.S.M.S.Johnny Basha,
Standing Counsel.

For R4 : No Appearance



ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 to 3. Though the fourth respondent has been served notice and his name is printed in the cause list, he has not chosen to enter appearance either in person or through counsel.

2.The issue relates to providing electricity service connection to the petition mentioned house. The house is said to be in the occupation of the petitioner herein. The respondent Electricity Board authorities are ready to provide electricity connection to the petitioner. But when they went to erect polls, the fourth respondent herein had raised objections, citing pendency of O.S.No.112 of 2013, on the file of the District Munsif, Sengottai.

3.The learned counsel appearing for the petitioner states that he is not a party to the said suit proceedings.

4.Be that as it may, the fourth respondent does not appear to have obtained any injunction against the writ petitioner or the respondents 1 to 3 herein. The petitioner as the occupier of the petition mentioned house is definitely entitled to get electricity supply. Therefore, the respondents 1 to 3 herein are directed to provide electricity service connection to the petition mentioned house. If any objections are raised from any third parties including the fourth respondent, the respondents 1 to 3 are at liberty to avail assistance of the jurisdictional police. The jurisdictional police is mandated to render protection to the respondents 1 to 3 for erecting polls and drawing lines. It is of course open to the fourth respondent herein to implead the petitioner in the suit proceedings and obtain appropriate orders. If the civil suit proceedings end in favour of the fourth respondent herein, the petitioner has to necessarily bear the removal charges.

5.The learned counsel appearing for the petitioner, on instructions, states that if the petitioner is made a party to the suit proceedings and if the outcome of the suit proceedings goes in favour of the fourth respondent, the petitioner would of course pay removal charges to the respondents 1 to 3 herein.

6.Subject to the aforesaid undertaking, the order impugned in the Writ Petition is quashed and the respondents 1 to 3 are directed to provide electricity service connection to the petition mentioned house as early as possible.



7. This Writ Petition stands allowed on this term. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Myr

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, (Distribution),
Tamil Nadu Generation of Electricity
and Distribution Corporation (TANGEDCO),
Tenkasi, Tirunelveli District.
2. The Executive Officer,
Achanputhur Town Panchayat,
Kadayanallur Taluk, Tirunelveli District.
3. The Assistant Electricity Engineer, (Distribution),
Tamil Nadu Generation of Electricity
and Distribution Corporation (TANGEDCO),
Vadakarai-627 812, Kadayanallur Taluk,
Tirunelveli District.

W.P. (MD) No. 20777 of 2018
07.07.2020

NS (CO)
TR(10.07.2020) 3P 4C