



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6709 of 2016

S.Selvam

... Petitioner

Vs

1. The Junior Engineer,
Distribution / Urban,
TANGEDCO,
Shanthi Nagar,
Palayamkottai,
Tirunelveli.

2. The Executive Officer,
Arulmigu Venkatachalapathi Temple,
Thimmarajapuram,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to give electricity supply to the petitioner's house in 6-C, Main Road, Thimmarajapuram, Tirunelveli without insisting No Objection Certificate to be obtained from the 2nd respondent.

For Petitioner : Mr.D.Saravanan

For Respondents : Ms.M.Rajeswari

For Mr.S.M.S.Johnny Basha for R1

ORDER

This writ petition has been filed seeking a direction from the first respondent to give electricity supply to the petitioner's house bearing Door No.6-C, Main Road, Thimmarajapuram, Tirunelveli without insisting on No Objection Certificate from the second respondent.

2.It is case of the petitioner that he is the owner of the aforementioned property and that he applied for electricity service connection from the first respondent on 19.12.2014. It is his case



that till date, his application has not been considered by the first respondent. In such circumstances, he has filed this writ petition.

3. Heard Mr.D.Saravanan, learned counsel appearing for the petitioner and Mrs.M.Rajeswari for Mr.S.M.S.Johnny Basha, learned standing counsel appearing for the first respondent.

4. Mrs.M.Rajeswari, the learned standing counsel appearing for the first respondent on instructions submitted that the second respondent/temple has filed a suit against the first respondent claiming that they are the owners of the property and in the said suit, permanent injunction has been granted in favour of the second respondent and the first respondent is injuncted from granting any electricity service connection to any third party. Therefore, she would submit that it is not possible for the first respondent to grant electricity service connection to the petitioner.

5. Admittedly, the application of the writ petitioner dated 19.12.2014, seeking for electricity service connection for the aforementioned property has not been considered by the first respondent. Neither they have rejected the same, nor they have sent any reply to the said application of the petitioner intimating the petitioner, as to why they have not considered his application. This being the case, no prejudice will be caused to the first respondent, if the application of the petitioner dated 19.12.2014, seeking for electricity service connection for the aforementioned property is considered on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application dated 19.12.2014, seeking for electricity service connection for the property being a house, bearing Door No.6-C, Main Road, Thimmarajapuram, Tirunelveli, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order after hearing all the interested parties including the second respondent.

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

Sd/-

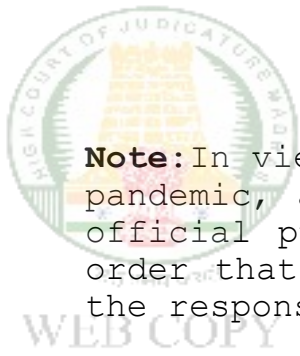
Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ias



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.

+1 CC to Mr.D.SARAVANAN, Advocate SR-23236.

W.P. (MD)No.6709 of 2016
27.11.2020

KMV(CO)
CS(07.12.2020) 3P 2C