



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.02.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.(MD).No.19141 of 2017

and

W.M.P.(MD) No.15528 of 2017

P.Subbuthai

... Petitioner

Vs.

1) The Executive Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Thirumangalam,
Madurai District.

2) The Assistant Engineer,
(Rural Distribution),
Tamil Nadu Electricity Board (TANGEDCO),
T.Kallupatti,
Madurai District.

3) S.Gowri

... Respondents

* R3 is impleaded vide Court order dated 23.11.2017 in W.M.P.(MD) No.15956 of 2017

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Ka.No.U.Mi.Po/Oorakam/The.Kallu/Ko.Ma.Ku.Thi/A.No/2015 dated 30.05.2015 and quash the same as illegal and consequently direct the respondents to consider the petitioner's application dated 26.09.2017 and to provide electricity service connection in respect of petitioner House in Door No.3/8-7-1, Jeganathanpatti, Peraiyur Taluk, Madurai District.

For Petitioner : Mr.J.Jeyakumaran

For RR 1 & 2 : Mr.S.M.S.Johnny Basha,
Standing Counsel

For R-3 : Mr.PT.S.Narendravasan



O R D E R

The petitioner has come to this Court seeking to call for the records relating to the impugned order passed by the 2nd respondent, dated 30.05.2015 and quash the same as illegal and consequently direct the respondents to consider his application dated 26.09.2017 and to provide electricity connection in respect of petitioner's Door No.3/8-7-1, Jeganathanpatti, Peraiyur Taluk, Madurai District.

2. The petitioner herein, had sought for electricity service connection by way of erecting poles in a 6-feet common passage, whereas the third respondent, who has got herself impleaded, claims that it is her own property and not a common passage and therefore, the poles could not be erected in that 6-feet passage.

3. Mr.S.M.S.Johnny Basha, learned standing counsel appearing for the second respondent states that this dispute cannot be decided in this writ petition as the impugned order is passed by the second respondent only based on the objections raised by the third respondent. He further states that if the said objections are cleared or clarified, the second respondent would erect the poles and shall give electricity service connection to the petitioner.

4. In these circumstances, both the parties are directed to appear before the second respondent along with their respective documents and papers and thereafter, the second respondent is directed to conduct an enquiry by giving an opportunity of personal hearing to both the parties and decide the ownership of the pathway *prima facie* and if it is feasible, give an electricity connection to the petitioner. Such exercise has to be completed within a period of six weeks from the date of receipt of a copy of this order. It is also open to the second respondent to avail necessary police protection, in the event of the erection of poles is disturbed by anybody.

5. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected W.M.P.(MD) No.15528 of 2017 is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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



To:

1) The Executive Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Thirumangalam,
Madurai District.

2) The Assistant Engineer,
(Rural Distribution),
Tamil Nadu Electricity Board (TANGEDCO),
T.Kallupatti,
Madurai District.

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate (SR-4605[F] dated
04/02/2020)

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-4636[F] dated 04/02/2020)

Order made in
W.P. (MD) .No.19141 of 2017
Dated: **04.02.2020**

JMN(17.02.2020) 3P : 5C