

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.4263 of 2021

&

W.M.P.No.4871 of 2021

K.Murugesan

... Petitioner

Vs.

1.The Assistant Engineer (O & M),
Tamil Nadu Electricity Board,
Ullipuram, Salem District.

2.Palanivel

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records relating to the impugned order vide the in Ka.No.vo/po/E & PA/ko.thani/en:11471/2021 dated 31.07.2020 passed by the first respondent and quash the same.

For Petitioner : Mr.K.Nagarajan

For Respondents : Mr.Vijay Mehanath, SC.(for R.1)

ORDER

The petitioner purchased a property in Sy.No.507/3A to an extent of 3488 Sq.Ft. at Nakkayampatti village, Gengavalli Taluk, Salem District through his power agent. He applied for a electricity service connection for the said property before the first respondent on 22.03.2019 and the same was rejected by the respondents by impugned communication dated 31.07.2020 stating that the said land has not been partitioned yet and therefore for producing necessary documents, his application was not accepted.

2.The case of the petitioner is that the land in the above said survey number is not a partitioned property and a bore-well was already present in the premises and the second respondent has no right to file an objection letter before the first respondent.

3.Perusal of the impugned order would reveal that the first respondent has only insisted the petitioner to produce the relevant revenue documents in respect of his case based on the objections raised by the second respondent. The first respondent has not rejected the application of this petitioner, however, the first respondent has insisted the petitioner to produce the relevant records.

4.Mr.Vijay Mehanath, learned Standing counsel who took notice for the first respondent would submit that the first respondent has not rejected the petitioner's application, but insisted for the relevant revenue records and if and when the petitioner produces the relevant records, the application of the petitioner would be considered by the first respondent and the electricity connection would be effected.

5.In view of the said submissions of the learned Standing counsel for the first respondent, this Writ Petition is disposed of with a direction to the petitioner to submit a fresh application along with the relevant documents within a period of four weeks from the date of receipt of a copy of this order and if any such application is submitted, the first respondent shall consider and pass orders within a period of four weeks thereafter. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mrm

To

The Assistant Engineer (O & M),
Tamil Nadu Electricity Board,
Ullipuram, Salem District.

W.P.No.4263 of 2021

PMK (CO)
SP(20/05/2021)