

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.03.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.7084 of 2021

K.S.Chinnaiyan

... Petitioner

vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
132-D, Cutchery Street,
Gobichettipalayam - 638 452.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Urachikottai, Mettur Main Road,
K.N.Palayam, Bhavani - 638 302.

3.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Bhavani.

4.V.M.Rajendran

5.R.Nandurathi

6.R.Kavin Kumar
Respondents

...

Prayer

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to forthwith provide Agricultural Electricity Service Connection under self financing scheme to the petitioners land comprised in RS.No.397/3A situated at Jambai Village, Bhavani Taluk, Erode District.

For Petitioner ... Mr.P.Saravana Sowmiyan

For Respondents... Mr.N.Damodaran
Standing Counsel for r1 to r3

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O R D E R

Mr.N.Damodaran, learned Standing Counsel takes notice for the 1st to 3rd respondents. Since this writ petition is being disposed of without affecting the interest of the 4th to 6th respondents, notice to the 4th to 6th respondents is dispensed with.

2. The petitioner has applied for agricultural electricity service connection with the 2nd respondent on 31.10.2019 under Tatkal Self Financing Scheme but the same has not been considered by the 2nd respondent. Therefore, the petitioner has filed the present writ petition seeking for Mandamus directing the respondents 1 to 3 to forthwith provide Agricultural Electricity Service Connection under Self Financing Scheme to the petitioner's land comprised in R.S.No.397/3A situated at Jambai Village, Bhavani Taluk, Erode District.

3. Mr.N.Damodaran, learned standing counsel submitted that the respondents 4 to 6 have filed a suit in O.S.No.609 of 2019 on the file of Sub Court, Bhavani, against the petitioner and others including the respondents 2 and 3. Without adding the petitioner as party to the suit, an Interlocutory Application was filed in I.A.No.3 of 2019 restraining the TANGEDCO from providing electricity connection to the petitioner's land. Hence, the petitioner and 2 others filed an application in I.A.No.4/2020 to implead them in I.A.No.3 of 2019 and the same is pending.

4. Learned counsel for the petitioner submitted that as on date, there is no interim order passed by the Civil Court restraining the respondent/TANGEDCO from effecting service connection and even in I.A.No.3 of 2019, the petitioner is not made as a party to the proceedings. Therefore, the petitioner along with 2 others have taken out an application in I.A.No.4 of 2019 to implead them as party in I.A.No.3 of 2019.

5. The case of the petitioner is that when there is no order of Civil Court restraining the TANGEDCO from effecting service connection to the petitioner, the TANGEDCO can very well ascertain the ownership of the land and also after obtaining legal opinion, can effect service connection to the petitioner, subject to the outcome of the suit in O.S.No.609 of 2019.

6. However, the learned Standing Counsel for the TANGEDCO submitted that the respondent Board is a party to the Civil proceedings and I.A. was also filed restraining the TANGEDCO from effecting service connection to the petitioner. Therefore, there is legal impediment in providing electricity service connection to the petitioner.

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7. Considering the rival submissions made, this Court is of the opinion that the petitioner has to work out his remedy only before the Civil Court. Therefore, the petitioner shall work out his remedy in I.A.No.3 of 2019 pending on the file of Sub Court, Bhavani, and make a request before the said Civil Court to take up I.A.No.3 of 2019 and dispose of the same as expeditiously as possible.

8. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

vsi

To

1. The Sub Court, Bhavani.
2. The Superintending Engineer,
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