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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.13977 of 2020

D.Rajamani

... Petitioner

vs.

1. The Assistant Executive Engineer,
Execution and Maintenance,
Tamil Nadu Electricity Board,
Veeraganur, Gangavalli Taluk,
Salem District - 636 116.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
Puliyankurichi,
Salem District.
3. The Village Administrative Officer,
Vellaiyur Village & Post,
Gangavalli Taluk,
Salem District - 636 116.
4. The Land Surveyor,
O/o. Tahsildar,
Gangavalli Taluk,
Salem District.

(R3 and R4 deleted vide order dated 09.10.2020 in W.P.No.13977 of 2020)

5. D.Paneer Selvam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the 1st Respondent to pass orders on the representation dated 16.07.2020 by issuing electricity connection to the Petitioner's land in S.No.252/2B, South Kattukottai, Vellaiyur Village & Post, Gangavalli Taluk, Salem District - 636 116.



For Petitioner : Mr.T.Velu

For Respondents 1 & 2 : Mr.L.Jai Venkatesh

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O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the 1st Respondent to pass orders on his representation dated 16.07.2020 seeking electricity connection to his land in S.No.252/2B, South Kattukottai, Vellaiyur Village & Post, Gangavalli Taluk, Salem District - 636 116.

2. According to the Petitioner, he and his brother, the 5th Respondent herein, partitioned the property in Survey No.252/2B, South Kattukottai, Vellaiyur Village & Post, Gangavalli Taluk, Salem District, as per the Partition Deed dated 04.12.2001 registered as Doc.No.1871/2001. The Petitioner constructed a house in the said Survey Number and used the previous electricity service connection. Thereafter, he applied for individual electricity service connection to the 2nd Respondent. As there was no response, he made representations dated 31.08.2019 and 09.07.2020 to the 2nd Respondent. But, no orders were passed on his representations. Thereafter, the Petitioner came to know that, the 5th Respondent made an objection to the 2nd Respondent not to provide electricity connection to him, as the 5th Respondent had filed a Suit in O.S.No.181 of 2019 on the file of the District Munsif Court, Attur, praying for declaration and permanent injunction.

3. The case of the Petitioner is that, the Suit in O.S.No.181 of 2019 is only with regard to the 5th Respondent's property and it does not pertain to his property. Thereafter, the Petitioner made a representation to the 1st Respondent on 16.07.2020 requesting to issue new electricity service connection in his name. As no orders are passed on his representation, having no other alternative, the Petitioner is before this Court with the above Writ Petition.

4. Learned counsel for the Petitioner submitted that, this Court may issue a direction to the 1st Respondent herein to consider the Petitioner's representation dated 16.07.2020, within a stipulated time.



5. Heard the learned counsel on either side and perused the material documents available on record.

6. Considering the facts and circumstances of the case and without going into its merits, and also taking note of the fact that, there is no interim order restraining the Respondents/Electricity Board from granting new electricity service connection in the Petitioner's name, this Court directs the 1st Respondent herein to consider the Petitioner's representation dated 16.07.2020 in accordance with law and pass appropriate orders after affording an opportunity of hearing to the parties, within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

(aeb)

To:

1. The Assistant Executive Engineer,
Execution and Maintenance,
Tamil Nadu Electricity Board,
Veeraganur, Gangavalli Taluk,
Salem District - 636 116.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
Puliyankurichi, Salem District.

+1cc to Mr.K.Sathyabal, Advocate Sr.69493

+1cc to Mr.T.Velu, Advocate Sr.69434

W.P.No.13977 of 2020

svI[co]
srg 10/01/2022