



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. NO. 17257 OF 2021 AND

WMP NO.18270 OF 2021

C. Sampath Kumar,
S/o Mr. Chinna Gounder,
No:1/108, Kattumottur Village,
Pathrahalli Post,
Pennagaram Taluk,
Dharmapuri District.

..Petitioner

Vs.

1. The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd., (TANGEDCO),
Dharmapuri Distribution Division,
Dharmapuri, Dharmapuri District.
2. The Assistant Executive Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd., (TANGEDCO),
Operation & Maintenance,
Pennagaram - 636 810,
Dharmapuri District.
3. The Assistant Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd., (TANGEDCO),
Eariyur Section, Operation & Maintenance,
Eariyur - 636 810, Pennagaram Taluk,
Dharmapuri District.
4. Balakrishnan,
S/o.Perappa Gounder,
Kattumottur Village,
Pathrahalli Post,
Pennagaram Taluk,
Dharmapuri District.



WEB COPY

5. Panner Selvam,
S/o. Sivanathan,
Kattumottur Village,
Pathrahalli Village Post,
Pennagaram Taluk,
Dharmapuri District.

.. Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents 1 to 3 to provide electricity supply in the line already laid based on the application dated 31.12.2020 to the street light, which is near to the petitioner's house without insisting consent from the respondents 4 and 5.

For Petitioner : M/s.M.R.Jothimanian

For Respondents : M/s.L.Jaivenkatesh

Standing counsel for R1 to R3

M/s.S.Velmurugan for R4

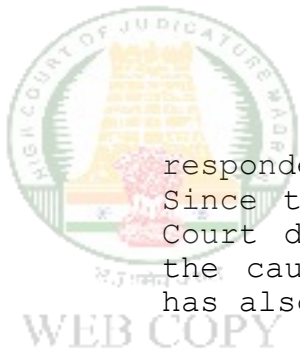
O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the respondents 1 to 3 to provide electricity supply based on the application dated 31.12.2020.

2. The case of the petitioner is that the petitioner and five other families had constructed residential houses in their patta lands. The further case of the petitioner is that these families have been living without electricity for more than 25 years. Therefore, they approached the President of the Village Panchayat and the Panchayat Union Councillor and requested for providing electricity connection to their residential houses.

3. Taking into consideration the fact that the petitioner and other families have been deprived of the minimum necessity of service connection, the Councillor seems to have provided for funds to erect poles and draw lines to the houses belonging to the petitioner and five other families and thereby provide them with electricity connection. The application was also approved by the 3rd respondent. Accordingly, poles were erected during April '2021. According to the petitioner, even electricity supply was given for one day and thereafter it was withdrawn based on the objections given by the 4th and 5th respondents. Aggrieved by the same, the present writ petition has been filed before this Court.

4. When the matter came up for hearing on 02.09.2021, this Court directed the learned counsel appearing on behalf of the 4th



respondent to take instructions and report before this Court. Since the 5th respondent was not represented by a counsel, this Court directed the name of the 5th respondent to be printed in the cause list and accordingly, the name of the 5th respondent has also been printed in the cause list today.

5. The learned standing counsel appearing on behalf of the respondents 1 to 3 submitted that they do not absolutely have any objections in providing the service connection to the petitioner and it is only due to the objections made by the 4th and 5th respondents, they are not able to continue with the electricity connection to the residential houses of the petitioner and five other families.

6. The learned counsel appearing on behalf of the 4th respondent by way of written submissions has stated that the 4th respondent has an objection only insofar as placing the electricity poles in survey No.213/1. The learned counsel submitted that the 4th respondent has planned to build a house for his children in the said survey number and therefore, he does not want the pole to intervene in putting his property to proper use. The learned counsel further submitted that the 4th respondent has already requested for an alternate route by leaving out survey No.213/1 and the same can be considered by the Electricity Board and the service connection can be granted to the petitioner and others.

7. In reply to the submissions made by the learned counsel for the 4th respondent, the learned counsel for the petitioner submitted that insofar as survey No.213/1 is concerned, there are four pattadars and the 4th respondent is one of the joint pattadars in the said property. The learned counsel further submitted that the poles have been erected in this survey Number only in the property that belonged to one Sriranga Gounder. On his demise, his two sons Mayilvel and Venkatachalam had inherited the property and they have already given their consent for laying the pole. The learned counsel therefore submitted that the 4th respondent has absolutely no say in this, since his property has not been touched and the 4th respondent cannot object just because he is one of the joint pattadar in survey No.213/1. The learned counsel for the petitioner submitted that one reason or the other is being given to deprive the petitioner and other families from getting electricity connection and therefore requested this Court to issue appropriate directions to the Department to continue to provide the electricity connection to the petitioner and five other families.

8. This Court has carefully considered the submissions made by either side and the materials available on record.



9. In the present case, the local Councillor has taken the efforts to provide electricity connection to the petitioner and five other families, who were living for nearly 25 years without electricity connection. The application was submitted by the Panchayat and that was considered by the 3rd respondent and the approval was also granted. Thereafter the poles were laid and it is stated that electricity was provided for one day and thereafter, it was snapped on the objections given by the 4th and 5th respondents.

10. In the considered view of this Court, there seems to be some internal dispute between the petitioner and the 4th respondent. The specific case of the petitioner is that the pole has been laid in Survey No.213/1 in the portion of the property belonging to Mayilvel and Venkatachalam. These two persons have already given their consent for laying the pole. The 4th respondent cannot be permitted to make objections only on the ground that he is also one of the pattadars for the said survey number. In any case, the poles have already been laid and what remains is only to energize and provide the electricity connection to the petitioner and five other families. The petty dispute between the parties should not deprive the petitioner and five other families their basic necessity, which has been denied to them for more than 25 years.

11. In view of the above, there shall be a direction to the 3rd respondent to continue to provide electricity connection to the petitioner and five other families in their residential houses.

12. This writ petition is disposed of with above direction. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

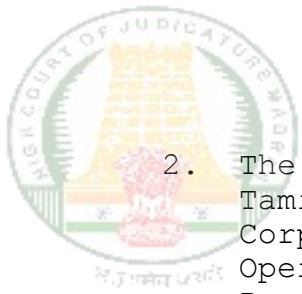
//True Copy//

Sub Assistant Registrar

RAP/RR

To

1. The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd., (TANGEDCO),
Dharmapuri Distribution Division,
Dharmapuri,
Dharmapuri District.



WEB COPY

2. The Assistant Executive Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd., (TANGEDCO),
Operation & Maintenance,
Pennagaram - 636 810,
Dharmapuri District.

3. The Assistant Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd., (TANGEDCO),
Eariyur Section, Operation & Maintenance,
Eariyur - 636 810,
Pennagaram Taluk,
Dharmapuri District.

+1cc to M/S.M.R.Jothimanian, Advocate, S.R.No.46082
+1cc to M/S.L.Jaivenkatesh, Advocate, S.R.No.46327

W.P.No. 17257 of 2021

and
WMP No.18270 of 2021

KSM(CO)
PM/27/09/2021