



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.06.2021
CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM
AND
The Hon'ble Mrs.JUSTICE S.ANANTHI

W.A. (MD).No.208 of 2019
C.M.P. (MD).No.1741 of 2019
against
WP (MD)No.24030 of 2017

H.Farook ...Appellant/3rd Party

Vs.

1.Durai Ganesh ...Respondent No.1/Writ Petitioner

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution,
Corporation Limited, TANGEDCO,
Tanjore,
Tanjore District.

3.The Assistant Engineer,
Tamil Nadu Generation and Distribution,
Corporation Limited, TANGEDCO,
Adirampattinam,
Pattukottai Taluk,
Tanjore District.

4.Savithiri ... Respondents 2 and 4/Respondents
1 to 3

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.12.2017 in W.P(MD).No.24030 of 2017 on the file of this Court.

PRAYER IN WP(MD). 24030 OF 2017 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceeding of the 2nd respondent in Ka.No.U.Mi.PO.EPA/Athirai/Ko.Thani/A.No.17.18 Dated 06.12.2017 and quash the same as arbitrary and illegal with a consequential direction to respondents to provide electricity service connection to the Shrimp Farm situated in Survey No.235/16 Old Survey No.235 an extent of 12 acres at Eripurakarai Village, Pattukottai Taluk, Tanjore District



For Appellant : Mr.T.Lajapathi Roy
For Respondents : Mr.N.Balakrishnan for R1
M/s.S.Srimathy
for Mr.SMS.Johny Basha
for RR2 & 3
R4-No appearance

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J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM,J.**]

This appeal filed by a third party is directed against the order and directions issued in W.P(MD).No.24030 of 2017 dated 22.12.2017.

2. Heard, Mr.T.Lajapathi Roy, learned counsel appearing for the appellant and Mr.N.Dilip Kumar, learned counsel represeing Mr.Balakrishnan, learned counsel on record for the first respondent and Mrs.Srimathy, learned counsel appearing for the respondents 2 and 3. Notice to the fourth respondent has been served and her name has been printed in the cause list and none appears for the fourth respondent.

3. The first respondent/writ petitioner challenged the order passed by the third respondent herein dated 06.12.2017, by which, the application filed by him for grant of electricity service connection for his Shrimp Farm was rejected. The learned Writ Court examined the facts and found that there was some disputes between the first respondent and the fourth respondent herein. In any event, such disputes cannot prevent the Electricity Board from granting service connection and accordingly, allowed the writ petition.

4. The appellant, who is the third party, has now come forward through a case stating that the Shrimp Farm has not been established in the land in question. The land falls within the prohibited distance as it is located inside the coastal regulation zone. It is alleged that the first respondent **(*)is an encroacher**. All these issues were not the reasons for which electricity service connection was refused to the premises of the first respondent. Therefore, by way of this third party writ appeal, a new case cannot be allowed to be set up. Therefore, we find on the grounds raised by the appellant that the order and the directions issued in the writ petition cannot be set aside.

5. Accordingly, the Writ Appeal is dismissed. However, this judgment will no manner prejudice the appellant from working out his remedy before the appropriate forum in the manner known to law. No



costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS II)

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(*) Corrected as per order dated 27/7/2021

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb/tta

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

(*) To be substituted the order already despatched on 21.06.2021

To

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution,
Corporation Limited, TANGEDCO,
Tanjore,
Tanjore District.

2.The Assistant Engineer,
Tamil Nadu Generation and Distribution,
Corporation Limited, TANGEDCO,
Adirampattinam,
Pattukottai Taluk,
Tanjore District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-19129[F] dated 10/06/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-19132[F] dated 10/06/2021)

Order made in

W.A. (MD) .No.208 of 2019

Dated:

08.06.2021

_KK(21.06.2021) 3P 5C

RD(10.08.2021) 3P 5C