



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10149 & 14017 of 2020 and

W.M.P. (MD)Nos.11673 & 11675 of 2020

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W.P. (MD)No.10149 of 2020

J.Amudha

... Petitioner

Vs.

1. The Assistant Engineer,
Operation and Maintenance,
TANGEDCO,
Usilampatty,
Madurai District.

2. Singaperumal

3. Krishnaveni

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent herein to provide electricity connection forthwith to the petitioner's house constructed at S.F. No.97/20, Mamarathupatty, Seemanoothu, Usilampatty, Madurai District, based on the petitioner's request and payment of requisite estimated fee demanded by the respondents through Receipt No.183-07/20-822 dated 04.08.2020 for providing the same.

W.P. (MD)No.14017 of 2020

J.Amudha

... Petitioner

Vs.

1. The Assistant Engineer,
Operation and Maintenance,
TANGEDCO, Usilampatty Town Circle,
Madurai District.

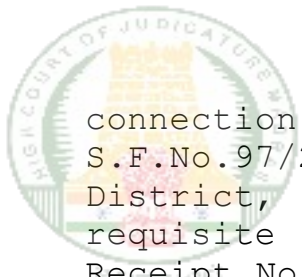
2. Krishnaveni

3. S.Annaperumayi

4. K.Manickam

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Ceriorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in Letter No. உரிமையா/ந/உசி/கோ.கூட்டு/அ.எண் : 770/20 dated 25.09.2020 and quash the same as illegal and consequently direct the first respondent herein to provide electricity



connection forthwith to the petitioner's house constructed at S.F.No.97/20, Mamarathupatty, Seemanoothu, Usilampatty, Madurai District, based on the petitioner's request and payment of requisite estimated fee demanded by the respondents through Receipt No.183-07/20-822 dated 04.08.2020 for providing the same.

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(in both W.Ps.)

For Petitioner	: Mr.T.Ayngaraprabhu
For R-1	: Mrs.Parameswari for Mr.S.M.S.Johny Basha, Standing Counsel.
For R-2 to R-4	: Mr.K.K.Samy (in WP(MD)No.14017/2020)
For R2 & R3	: M.K.K.Samy (in WP(MD)No.10149/2020)

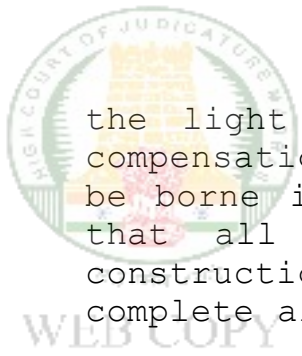
C O M M O N O R D E R

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the first respondent/TANGEDCO and the learned counsel appearing for the private parties.

2. The petitioner has put up a house in the petition mentioned site. The petitioner applied to the first respondent for providing electricity service connection. On account of the objections raised by the private respondents herein, the same could not be given. The first respondent had informed the petitioner about the inability in view of the objections raised by the private respondents.

3. It appears that the petitioner was the original vendor and the private respondents have purchased only from the writ petitioner. The stand of the private respondents is that the petitioner contrary to the assurance originally given had encroached on the common pathway and that gave rise to a civil dispute.

4. Be that as it may, in view of the order dated 25.09.2013 made in W.P.No.13108 of 2013 (V.Selvi V. The Assistant Engineer, Operation and Maintenance, TANGEDCO, Muthur, Tiruppur District and two others), the licensee will have an obligation to provide electricity service connection and of course the petitioner will have to bear the cost which may include the payment of compensation to the affected third parties. But I have been relieved from the task of going into the rival contentions because the learned counsel for the private respondents states that they may not have any objection for providing electricity connection from the eastern side of the petitioner's house. It appears that there is an existing pole near what is known as Pattavan Kovil. Of course the petitioner has to bear the entire cost. If there is any objection from any person, the same will have to be disposed of in



the light of the order made in Selvi's case and again if any compensation will have to be paid to the third parties it has to be borne into by the petitioner. The petitioner's counsel states that all that the petitioner wants is only energizing the construction by grant of electricity connection and that they will complete all the necessary formalities.

5. The first respondent is directed to prepare the feasibility report and provide electricity connection within a period of six weeks from the date of receipt of a copy of this order. If need be, the first respondent can also avail police protection.

6. W.P.(MD)No.10149 of 2020 stands allowed. W.P.(MD) No.14017 of 2020 stands disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

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:

The Assistant Engineer,
Operation and Maintenance,
TANGEDCO, Usilampatty Town Circle,
Madurai District.

+1 cc to Mr.K.K.Samy, Advocate Sr.No.1447

W.P. (MD)No.10149 of 2020
and 14017 of 2020
18.01.2021

KM (05.02.2021) 3P 3C

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