



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2021

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12462 of 2020

Murugeshwari

: Petitioner

Vs.

1.The Executive Engineer (Distribution),
Tamil Nadu Generation and Distribution Corporation,
Aruppukottai, Virudhunagar District.

2.The Assistant Engineer (Distribution),
Tamil Nadu Generation and Distribution Corporation,
Veerasolan, Virudhunagar District.

3.Kuppusamy

4.Selvakumar

5.Santhi

6.Sarashwathi

7.Avvaiyar

: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus to direct the respondents 1 and 2 to give an Agricultural Free Electricity Connection under THADCO Scheme on the basis of the 1st Respondent letter Ka.No. Se.Po / Pa/ Aru/ Thonuo.1/ THADCO/ A.No. 977-105/ 20, dated 08.06.2020 to the Petitioner Well situated in her agricultural land bearing Survey No. 1/1A, Patta No. 658, Veerakudi (Group), Thiruchuli Taluk, Virudhunagar District.

For Petitioner

:Mr.R.Murugappan

For R1 and R2

:Mr.S.Srimathy

for Mr.S.M.S.Johnny Basha

For R3 to R7

:Mr.J.Barathan

ORDER

Heard the learned Counsel appearing on either side.

2.The first respondent herein issued the petition mentioned proceedings for granting agricultural electricity service in favour of the petitioner. The same could not be enforced, since the private respondents herein have filed a suit in O.S.No.80 of 2018



and an *ex parte* decree had also been passed. The petitioner states that she had filed a petition to set aside the *ex parte* decree and the delay condone petition has been numbered.

3.On the other hand, learned Counsel for the private respondents would submit that it is not only a suit for declaration, but also for permanent injunction and that they have also taken steps to file a petition for final decree proceedings.

4.Since granting electricity service would only improve the property concerned and it will not depreciate its value, I am of the view that the official respondents can be directed to give effect to the petition mentioned proceedings. However, I make it clear that this will not confer any rights on the petitioner.

5.The learned Counsel for the petitioner has given an undertaking that the petitioner will not lay any claim based on the same and she would agree that the proceedings would abide by the outcome of the civil proceedings.

6.This Writ Petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar

+1 CC to Mr.T.R.JEYAPALAM, Advocate (SR-1963[F] dated 25/01/2021)

W.P. (MD) No.12462 of 2020
22.01.2021

cmr
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