



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1607 of 2021

and

CMP(MD)Nos. 6855 and 6856 of 2021

Selvaraj ... Appellant /2nd Respondent

Vs.

1. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Trichy Rural, Trichy ...1st Respondent/ 1st Respondent

2. Samsad Begum @ Samsudeen ...2nd Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 30.06.2021 made in W.P(MD)No.3966 of 2020 on the file of this Court.

Prayer in WP(MD). 3966/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court calling for the records culminated in the 1st respondents impugned letter in ref.Ka.No.Oo.Mi.Po / E.Kaa / Kraa / Thiru./ Koo. Ma. Tho.A / A.No.56/2019 dt 22/08/2019 and quash the same, and consequently direct the 1st respondent to provide new electricity service connection to the petitioners house.

For Appellant : Mr.D.S. Haroon Rasheed

For Respondents : Mrs.S. Srimathy

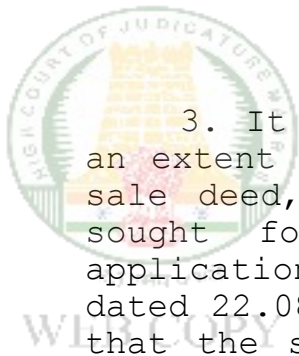
Standing Counsel for EB
for R1

JUDGMENT

(Judgment of the Court was delivered by **M.DURAI SWAMY, J.**)

Challenging the order passed in WP(MD).No.3966 of 2020, the second respondent in the Writ petition has filed the above Writ Appeal.

2. The second respondent in the Writ Appeal filed a Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records culminated in the first respondent's impugned letter, dated 22.08.2019 and to quash the same and consequently direct the first respondent to provide new electricity service connection to the petitioner's house.



3. It is the case of writ petitioner that her father purchased an extent of 36 $\frac{1}{4}$ cents with a right of pathway under a registered sale deed, dated 02.08.1977 and that she constructed a house and sought for domestic electricity connection by submitting an application before the first respondent. By the impugned letter dated 22.08.2021, the first respondent informed the writ petitioner that the second respondent had raised objections stating that the proposed service connection will pass through their private property. Further, the first respondent called upon the writ petitioner to get no objection certificate from the Village Administrative Officer. With regard to the land on which the pole is erected by the first respondent, there is a civil dispute between the writ petitioner and the second respondent in O.S.No.1223 of 2019, on the file of District Munsif Court, Srirangam and the same is pending. When the service connection was sought to be given to the writ petitioner, the second respondent raised an objection stating that the electric pole is standing in his land, which is in dispute in O.S.No.1223 of 2019.

4. Mrs.S.Srimathi, learned Standing Counsel, taking notice for the first respondent, submitted that the electric pole was erected in the land in dispute and that the first respondent is at liberty to draw electric line from the said pole without obtaining any permission from the private parties.

5. When it is not in dispute that the electric post belongs to the first respondent and that they have already drawn electricity connections to different individuals, the writ petitioner alone cannot be prevented from getting a service connection from the said post. The learned Single Judge, taking into consideration all these aspects, rightly set aside the impugned letter of the first respondent, dated 22.08.2019 and directed the first respondent to give service connection within two weeks time.

6. We do not find any infirmity in the order passed by the learned Single Judge. The Writ Appeal is devoid of merits and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

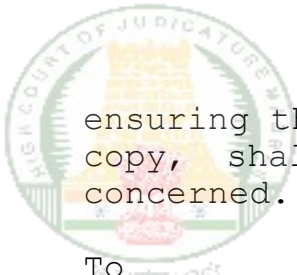
Sub Assistant Registrar(CS)

SSL

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,

<https://hcservices.ecourts.gov.in/hcservices/>



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,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Trichy Rural, Trichy.

W.A(MD)No.1607 of 2021
25.08.2021

RD(2.09.2021) 3P 2C