



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.15424 of 2021

and

W.M.P(MD)No.12332 of 2021

S.Nitheshraj

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Assistant Executive Engineer,
TANGEDCO (RURAL),
Karaikudi, Sivagangai District.

3.The Executive Officer,
Sankarapuram Town Panchayat,
Sivagangai District.

... Respondents

Prayer: 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 relating to the impugned cancellation order by the second respondent, dated 21.06.2021, vide application reference no.2000540306211150 and set aside the same and direct the second respondent to effect electricity service connection to the petitioner's residential house within the time to be stipulated by this Court.

For Petitioner	:	Mr.R.Balakrishnan
For R-1 and R-3	:	Mr.D.Gandhiraj Government Advocate
For R-2	:	Mrs.M.Rajeswari for Mr.S.M.S.Johnny Basha

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with the order of the second respondent/the Assistant Executive Engineer, TANGEDCO (Rural), Sivagangai District dated 21.06.2021 with respect to application in Reference No.2000540306211150.



2. In simple terms, the application was to grant electricity service connection to the petitioner's residential house. The issue why it was rejected was that it was within 500 meters of Sambai Oothu. If it is within 500 meters, then electricity connection cannot be given. If it is beyond 500 meters, then electricity connection can be given. This is purely an issue on fact which the petitioner and the second respondent should resolve by themselves and this Court cannot be called upon to examine that particular issue. Nor can the Executive Officer of the Sankarapuram Town Panchayat be called to examine that particular fact.

3. Mr.D.Gandhiraj, learned Special Government Pleader, takes notice on behalf of the first and second respondents and Mrs.M.Rajeswari, learned counsel for TANGEDCO, takes notice for the second respondent.

4. A direction is issued to the petitioner S.Nitheshraj, Son of Srinivasan, residing at Ramalingam Nagar, Koviloor Road, Karaikudi, Sivagangai District and to the second respondent/the Assistant Executive Engineer, TANGEDCO (Rural), Karaikudi, Sivagangai District to mutually meet, fix the date and thereafter, go over to the petitioner's house and measure the distance from the petitioner's house to the Sambai Oothu and if it is found to be beyond 500 meters, a further direction is given to the second respondent to provide necessary service connection if the petitioner satisfies all other requirements. If the distance is less than 500 meters, then the Assistant Executive Engineer may pass a detailed order giving the reason for not giving electricity connection. The entire exercise shall be conducted between the petitioner and the second respondent and it is hoped that they would realize the actual distance between the petitioner's house and Sambai Oothu. No further orders are required.

5. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Assistant Executive Engineer,
TANGEDCO (RURAL),
Karaikudi, Sivagangai District.

3.The Executive Officer,
Sankarapuram Town Panchayat,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-34276[F] dated 12/11/2021)

+1 CC to M/s.R. BALAKRISHNAN, Advocate (SR-34212[F] dated
11/11/2021)

W.P (MD) No.15424 of 2021
11.11.2021

SVN(CO)
KB(24.11.2021) 3P 6C