



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.20613 of 2021

S.Daisy

... Petitioner

Vs.

1.The Assistant Engineer,
Kodaikanal EB Station,
Kodaikanal,
Dindigul.

2.Anthony

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first respondent to consider petitioner's representation dated 27.09.2021 seeking to process petitioner's application No.200052510821525 and give electricity connection for petitioner's home situated at 10/48, Anthonyiar Kovil Street, Kodaikanal, Dindigul District and pass appropriate orders within the period that may be stipulated by this Court.

For Petitioner	:	Mr.T.Palanisamy
For R-1	:	Mrs.M.Rajeswari, for Mr.S.M.S.Johnny Basha, Standing Counsel.

ORDER

Notice had been directed to the second respondent, Anthony, son of Mariyan / own brother of the petitioner herein. He had not responded to the notice issued through Court. It is stated that the address is insufficient. But let me not hold the Writ Petition any further on the file of this Court and if the second respondent is not interested in participating in the hearing, the Court cannot go out of its way and invite the second respondent. Notice alone can be directed. Notice had been taken.

2. The Writ Petition has been filed in the nature of Mandamus seeking consideration of a representation given by the petitioner, who, it is again reiterated, is the sister of the second respondent, to grant electricity connection for the house at 10/48, Anthonyiar Kovil Street, Kodaikanal, Dindigul District. The petitioner had given an application on 27.09.2021 in Application No.200052510821525. Since the first respondent / the Assistant



Engineer, Kodaikanal EB Station, Kodaikanal, Dindigul has not taken any effective steps with respect to the service connection, this Writ Petition has been filed.

3. In the affidavit, the petitioner had stated about her maternal grandmother, Viyaguala Mary. Obviously, she must also be the maternal grandmother of the second respondent. Let me not enter into any discussion with respect to the right, title or interest which the maternal grandmother had over the said property. The issue today is with respect to grant or otherwise of the domestic service connection for the house of the petitioner at 10/48, Anthonyar Kovil Street, Kodaikanal, Dindigul District.

4. Mrs.M.Rajeswari, learned Standing Counsel who took notice on behalf of the first respondent stated that the second respondent had given an objection not to give domestic connection to the said house in the name of the petitioner / his own sister.

5. I find that the said objection is extremely unreasonable. A direction is given to the first respondent, to invite the petitioner for an inquiry, examine the documents of the petitioner and examine the holding and right and interest of the petitioner to hold over possession of the said property. The first respondent cannot examine the title of the property. Possession is important. If the petitioner is in possession, then the first respondent can take necessary safeguards and thereafter, if the petitioner is otherwise eligible, proceed to grant electricity connection to the petitioner. Let the first respondent also issue notice to the second respondent and if he appears, examine his representations and if any indemnity or bond is to be obtained from the petitioner herein that the service connection would only be subject to any litigation instituted between the petitioner and the second respondent, proceed to grant electricity connection. I must again state that the second respondent had not appeared before this Court. Let the first respondent take necessary decision to either grant or refuse to grant electricity connection in manner known to law on or before 10.01.2022.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

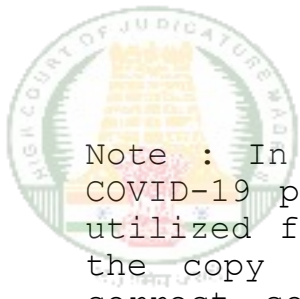
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

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

The Assistant Engineer,
Kodaikanal EB Station,
Kodaikanal, Dindigul.

+1 CC to M/s.T.PALANISAMY, Advocate (SR-39902[F] dated 22/12/2021)

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SK(CO)
KB(31.12.2021) 3P 3C