



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.21403 of 2021

and

W.M.P. (MD)Nos.17968 and 17969 of 2021

1.V.K.S.A.Aburush Beevi

2.V.K.S.A.M.Jahira Beevi

... Petitioners

Vs.

1.The Assistant Executive Engineer,
TANGEDCO,
Karaikudi, Sivagangai District.

2.The Assistant Engineer,
TANGEDCO, Karaikudi Town (North),
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, calling for the records pertaining to the impugned order dated 30.07.2021 of the first respondent in Ka.No.Se.Po/Pa/Karai/Mu.Ni.Va/Ko.Th.Asa/A.No.1097/2021 and quash the same and consequently direct the respondents to provide service connection to the petitioners based on application dated 03.05.2021.

For Petitioner : Mr.J.Anandkumar

For Respondents : Ms.M.Rajeswari,
for SMS.Johny Basha,
Standing Counsel

ORDER

This Writ Petition has been filed in the nature of Writ of Certiorarified Mandamus, seeking interference with the order of the first respondent dated 30.07.2021, wherein, the application of the petitioner was rejected.



2.The learned counsel for the petitioner pointed out the impugned order and stated that no reason had been granted as to why the application of the petitioner, seeking Electricity Connection, was rejected. The petitioner thereafter, made further enquiries through the Right to Information Act. It was informed that there is an earlier letter issued by the Municipal Commissioner, Karaikudi, addressed to the District Collector, Sivagangai, that there is an Oorani called Sambai Ootru and within 500 metres around the Ootru, building construction should be prohibited. For that reason, electricity connection was not granted.

3.It is a question of fact whether the petitioner's property is within a range of 500 metres distance from the Sambai Ootru. This is an issue which have to be identified and orders have to be passed by the respondents. An enquiry has to be made about the proximity of building from the Sambai Ootru and the distance between the two and thereafter, by giving those reasons, a detailed order has to be passed by the first respondent. A blanket order indicating that service connection cannot be given to the petitioner, is neither instructive for the first respondent nor for the petitioner.

4.In view of the same, the order impugned is set aside and this Writ Petition is allowed. However, a further opportunity is granted to the first respondent to re-examine the application of the petitioner, examine the place of the petitioner and whether it is situated within the range of 500 meters distance from the Sambai Ootru and thereafter, take a considered decision and pass orders with reasons. The first respondent may proceed only in manner known to law and complete the exercise within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pnn

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 Assistant Executive Engineer,
TANGEDCO,
Karaikudi, Sivagangai District.

2.The Assistant Engineer,
TANGEDCO, Karaikudi Town (North),
Sivagangai District.

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-37335[F] dated
03/12/2021)

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03.12.2021

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