



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.21940 of 2021

and

W.M.P. (MD)No.18510 of 2021

Kannan

... Petitioner

Vs.

- 1.The Tamilnadu Generation and
Distribution Corporation Limited,
Ramanathapuram Electricity Distribution Circle,
represented by its Superintending Engineer,
Near R.T.O., Office,
Bharathi Nagar, Ramanathapuram - 623 503.
- 2.The Executive Engineer,
Tamilnadu Generation and Distribution Corporation Limited,
Ramanathapuram Distribution Circle,
Ramanathapuram.
- 3.The Assistant Engineer,
Tamilnadu Generation and Distribution Corporation Limited,
Ramanathapuram Distribution Circle,
Ramanathapuram. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to effect fresh electricity service connections to the subject property measuring 2126 square feet out of the total extent of 1 Acre 8 Cents carved out of 1.22.5 Hectares in Old Survey No.325/1, New Survey No.325/1A and 0.52.5 Hectares in Old Survey No.325/3, New Survey No.325/28, Devipattinam village, Ramanathapuram Taluk and District.

For Petitioner : Mr. J.Barathan

For Respondent : Ms.Parameswari,

for SMS Johny Basha

Standing Counsel for respondents

ORDER

This petition has been filed in the nature of Writ of Mandamus, seeking electricity service connection to the property measuring 2126 sq.ft., out of the total extent of 1 Acre 8 Cents carved out of 1.22.5 Hectares in Old Survey No.325/1, New Survey No.325/1A and 0.52.5 Hectares in Old Survey No.325/3, New Survey No.325/28,



Devipattinam village, Ramanathapuram Taluk and District.

2.The petitioner has not filed a copy of the representation which he claimed to have sent on 03.02.2021. However, he seeks mandamus seeking electricity connection.

WEB COPY

3.The learned counsel for the respondents who takes notice on behalf of the respondent also affirms that there is no representation given by the petitioner and available on record of the respondent. The petitioner claims that he purchased the aforesaid property on 14.08.2020, registered as Document No.1154/2020 on the file of the Joint Sub Registrar-2, Ramanathapuram District. He had applied for fresh electricity connection. It had been subjected to a litigation in O.S.No.1 of 2006 on the file of the Subordinate Judge, Ramanathapuram. Subsequently, to A.S.No.8 of 2018 and A.S.No.19 of 2018 on the file of the Principal District Court, Ramanathapuram. Thereafter, a further suit in O.S.No.19 of 2018 was filed on the file of the District Munsif Court, Ramanathapuram. These informations have been given by the petitioner. It is also stated that the matter had also reached the Hon'ble Supreme Court in SLP(C) No.23190 of 2019 and the Hon'ble Supreme Court had passed an order on 20.09.2019 granting status quo with respect to possession.

4.A mandamus is issued to the respondent to examine the entire records, to examine whether the petitioner has a right to claim electricity connection and whether, electricity connection can be given inspite of the pending litigation in the Hon'ble Supreme Court. If the respondents take a decision not to give electricity connection, then they may pass orders after giving necessary reasons. If they are inclined to give electricity connection, they may do so within a period of 12 weeks from the date of receipt of a copy of this order. The petitioner must forward a fresh application and enclose all necessary documents regarding all the civil litigations pending before the various Courts. Notice has to be issued to all the parties and if any of them raise objections, the respondents may consider the same and thereafter take a decision and such decision should be taken within a period of 12 weeks from the date of receipt of the fresh representation.

5.With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

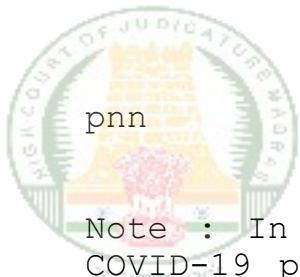
Sd/-

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

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Ramanathapuram.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-38643[F] dated
14/12/2021)

W.P (MD) No.21940 of 2021
13.12.2021

SJ(CO)
KB(24.12.2021) 3P 5C