



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.21793 of 2017

and

W.M.P. (MD) .No.18087 of 2017

M.Mohamed Mansoor Hallaj, S/o Mohamed Ismail
Represented by his own brother and power of attorney,
M.Mohamed Iqbal. ... Petitioner

Vs.

1.The Executive Engineer,
Office of the Executive Engineer,
Directing/Maintaining,
TANGEDCO, Kumbakonnam,
Thanjavur District.

2.The Assistant Engineer,
Office of the Assistant Engineer,
Directing/Maintaining,
TANGEDCO,
Papansam Taluk,
Thanjavur 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 entire records connected with the impugned order in க.எண்.இ.மீ.வா/இ&பரா/புற-பாப/கோ/வழக்கு/அ.எண் 158/2017 dated 20.07.2017 order passed by the respondent No.2 set aside the same as illegal consequently to directing the respondents to provide electricity connection in the petitioner's dwelling house in survey No.428/23 in Door No.2-1/3, Jamaliya Street, Valluthoor Village, Papanasam Taluk, Thanjavur District within the time stipulated by this Court.

For Petitioner : Not Appearance
For Respondents : M/s.M.Rajeswari
For SMS.Johnny Basha
Standing Counsel

ORDER

There is no representation on behalf of the writ petitioner. But having heard the learned counsel for the respondents, I find no reason to keep the Writ Petition still pending on the board of this Court.

2. This Writ Petition had been filed in the nature of Certiorarified Mandamus questioning an order dated 20.07.2017 passed



by the second respondent/the Assistant Engineer,
Directing/Maintaining, TANGEDCO, Papanasam Taluk, Thanjavur
District.

3. The writ petitioner, has a dwelling house in Survey No.428/23 in Door No.2-1/3 at Jamaliya Street, Valluthoor Village, Papanasam Taluk, Thanjavur District. He claims that he is residing with his family and his brother in the said place. He had also purchased, an unpartitioned / undivided land and property on behalf of his brother from his maternal uncle. His brother had given a representation to provide electricity connection to the house in Door No.2-1/3 at Jamaliya Street, Valluthoor Village, Papanasam Taluk, Thanjavur District.

4. In the impugned order, it had been stated that in Door No.2-1/3 at Jamaliya Street, Valluthoor Village, Papanasam Taluk, Thanjavur District, there are two families residing and there are two electricity connections namely 433-010-224 and 433-010-246. It had also been stated that if the property is separately divided in the manner known to law, then for that divided property a separate electricity connection can be given provided all the requirements are satisfied.

5. The impugned order therefore does not work to the disadvantage of the petitioner. As on date of filing of the Writ Petition, there were two families residing in Door No.2-1/3. If Door No.2-1/3 is a separate dwelling house, then that must be established in accordance with the rules to the respondents and if that is done, the respondents had stated that they would give a separate electricity connection.

6. An obligation is therefore on the petitioner to establish that Door No.2-1/3 is a separate door number in Jamalia Street. If that is established by the petitioner, then I am confident that if an application seeking electricity connection is given, then the respondents would look into it to the advantage of the petitioner herein.

7. With the said observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

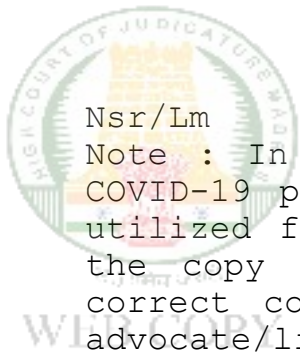
Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Nsr/Lm

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 Executive Engineer,
Office of the Executive Engineer,
Directing/Maintaining,
TANGEDCO, Kumbakonnam,
Thanjavur District.
- 2.The Assistant Engineer,
Office of the Assistant Engineer,
Directing/Maintaining,
TANGEDCO,
Papansam Taluk,
Thanjavur District.

W.P. (MD) .No.21793 of 2017
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SRK(CO)
KB(08.12.2021) 3P 3C