



WEB COPY



W.P. No.14097 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.14097 of 2015
and M.P. No.1 of 2015

Muniappa

...Petitioner

Vs.

1.The Assistant Executive Engineer,
O&M/ TNEB Denkanikottai.

2.The Junior Engineer,
O&M/TANGEDCO North,
Denkanikottai, Krishnagiri.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 1st Respondent in proceedings No.Ka.No.u.Che.Po/O and M/Tha.Ko/Ko.Pu.M/No.343/14 dated 25.02.2014 and quash the same and further direct the Respondents to effect electricity connection in S.F.No.783/1, Alenatham Mallasamundiram Taluk, Denkanikottai measuring 1 acre and 37 cents.

For Petitioner : Mr.V.Lakshminaryanan

For Respondents : Mr.Rajesh
for Mr.L.Jai Venkatesh
Standing Counsel



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ORDER

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The writ petition is filed praying for a Writ of Certiorarified Mandamus calling for the records on the file of the 1st Respondent in proceedings No.Ka.No.u.Che.Po/O and M/Tha.Ko/Ko.Pu.M/No.343/14 dated 25.02.2014 and quash the same and direct the Respondents to effect electricity connection in S.F.783/1, Alenatham Mallasamudiram Taluk, Denkanikottai measuring 1 acre and 37 cents situated in Alenatham village, Mallasamunadiram taluk, Krishnagiri District and consequently grant the benefits.

2. The petitioner had originally applied for electricity connection in relation to Survey No.800/4 Alenatham village, Mallasamudiram taluk, Krishnagiri District. At that time the property belonged to the joint family comprising of the petitioner and his son. Subsequently, there was a partition of the said property and consequent to which, property in Survey No.800/4 was allotted to the petitioner's son viz., Shivasankar while the petitioner was allotted Survey No.783/1 in the same village measuring about 1 acre and 37 cents. The petitioner had applied for electricity connection in respect of Survey No.800/4 in the year 1990. As there was no progress for 14 years,



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the petitioner had applied under the priority quota after paying a sum of Rs.50,000/- in respect of Survey No.800/4. The above sum/ charges was paid prior to the partition and the connection was effected to Survey No.800/4 which pursuant to the partition was allotted to his son.

3. It may be relevant to note that the original application dated 01.10.1990 was registered as application No.731. The petitioner requested that pursuant to the above partition the application which was originally filed in relation to Survey No.800/4 may be transferred to Survey No.783/1 which was allotted to the petitioner. However, it was stated that the transfer application was missing and consequently the petitioner had to once again file an application on 09.01.2011. The said application was returned for the reason that VAO Certificate must be produced/ furnished, which was also complied with. Despite the fact that more than a decade had gone by, the petitioner has still not got any electricity connection.

4. As a matter of fact, Survey No.800/4 has been provided with electricity connection on priority basis in respect of which the petitioner had paid a sum of Rs.50,000/- towards the fees to the Respondent.



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5. It was submitted that the impugned order dated 25.02.2014 had proceeded to reject the petitioner's application on the premise that the connection has been granted to Survey No.800/4 pursuant to the application filed by the petitioner. The impugned order fails to see that there has been a partition and Survey No.800/4 in respect of which connection has been granted was allotted to the petitioner's son and Survey No.783/1 allotted to the petitioner has not been provided with electricity connection so far.

6. It was thus submitted by the learned counsel for the Respondents that the petitioner's request for connection to Survey No.783/4 would be considered if a fresh application is filed.

7. In view of the same, this Court would direct that a fresh application for electricity connection in Survey No.783/1 may be submitted by the petitioner within a period of 3 weeks from the date of receipt of a copy of this order along with all the requisite documents and the same shall be disposed of within a period of 6 months in accordance with law.



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8. In view of the above, the impugned order of the 1st Respondent dated 25.02.2014 is set aside. The writ petition is disposed of with the above directions. No Costs. Consequently, the connected Miscellaneous Petition is closed.

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Speaking (or) Non Speaking Order
Index : Yes/ No
mka

MOHAMMED SHAFFIQ, J.



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mka

To:

1.The Assistant Executive Engineer,
O&M/ TNEB Denkanikottai.

2.The Junior Engineer,
O&M/TANGEDCO North,
Denkanikottai, Krishnagiri.

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