

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.2369 of 2020
and WMP No.2764 of 2020

V.Dhanasekar

...Petitioner

Vs

1. The Executive Engineer,
Tamil Nadu Electricity Board,
Operation and Maintenance,
Thiruvannamalai.
2. The Divisional Engineer,
Tamil Nadu Electricity Board,
Chengam Taluk,
Thiruvannamalai District.
3. The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Kanchi Taluk and District.
4. The Assistant Divisional Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Periyakulam, Chengam Taluk,
Thiruvannamalai District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents to give service connection to the petitioner's well in Survey No.26/1C in Patta No.152 in Enthal Village, Chengam Taluk, Thiruvannamalai District.

For Petitioner : Mr.P.R.Balasubramanian

For Respondents : Mr.Abdul Kalam
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to grant electricity service connection to the petitioner's well situated in Survey No.26/1C in Patta No.152 in Enthal Village, Chengam Taluk, Thiruvannamalai District.

2. The petitioner has applied for electricity service connection for the aforementioned property. According to the petitioner, earlier the same was not granted on the ground that a civil suit is pending and there was a rival claimant. The petitioner, thereafter, settled the rival claimant and has purchased the property and the petitioner claims that he is now the absolute owner of the property. He has also produced the documents along with the writ petition to substantiate his case that he is the absolute owner. According to the petitioner, patta has also been issued in his name. It is his case that despite the fact that he is the absolute owner of the property, till date, electricity service connection has not been granted to him. In such circumstances, the petitioner has filed this writ petition.

3. Heard Mr.P.R.Balasubramanian, learned counsel for the petitioner and Mr.Abdul Kalam, learned Standing Counsel for the respondents.

4. The petitioner has filed the following documents along with the writ petition:- ..

- a) Sketch given by Tahsildar dated 22.08.2011
- b) Judgment and Decree dated 31.10.2017 passed in O.S.No.217/2007
- c) Sale Deed dated 29.08.2018 standing in the name of the petitioner
- d) Petitioner's representation dated 11.10.2019 with acknowledgement card
- e) Patta issued in favour of the petitioner on 06.01.2020.

5. Admittedly, the application submitted by the petitioner seeking for grant of electricity service connection for his well in his agricultural property has not been considered till date. No prejudice would be caused to the respondents if the petitioner's application is considered on merits and in accordance with law after giving due consideration of the documents and the order referred to supra.

6. Since the application seeking for grant of electricity service connection was applied long time back, the petitioner will have to necessarily apply afresh.

7. For the foregoing reasons, this Court directs the petitioner to apply for electricity service connection for the well comprised in Survey No.No.26/1C in Patta No.152 in Enthal Village, Chengam Taluk, Thiruvannamalai District within a period of one week from the date of receipt of a copy of this order and on receipt of the said application, by considering the petitioner's earlier seniority with regard to his application for grant of electricity service connection, the fourth respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner, including granting him the right of personal hearing, within a period of six weeks thereafter.

8. With the aforesaid direction, the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Executive Engineer,
Tamil Nadu Electricity Board,
Operation and Maintenance,
Thiruvannamalai.
2. The Divisional Engineer,
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Chengam Taluk,
Thiruvannamalai District.
3. The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Kanchi Taluk and District.
4. The Assistant Divisional Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Periyakulam, Chengam Taluk,
Thiruvannamalai District.

+1cc to Mr.P.R.Balasubramanian, Advocate SR. No. 40271

+1cc to Mr.L.Jai Venkatesh, Advocate SR. No. 41020

W.P.No.2369 of 2020

RR (CO)

PR (14/07/2022)