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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.11151 of 2022

Dhanasekaran

...Petitioner

vs.

1. The Superintending Engineer,
Tamil Nadu Electricity
Generation & Distribution Corporation,
Capper Quarry,
Cuddalore - 607 004.

2. The Assistant Engineer (South),
Tamil Nadu Electricity
Generation & Distribution Corporation,
Panruti,
Panruti Taluk,
Cuddalore District.

3. Selvasekaran
4. Sivagamaselvan
5. Subash Chandra Bose

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, directing the respondents 1 and 2 to provide electricity service connection for the house constructed by the petitioner in S. No.231/6 Hec.0.32.50 in Meliruppu Village, Panruti Taluk, Cuddalore District.

For Petitioner : Mr.D. Baskar
For Respondents : Mr.Jaivenkatesh
TNEB for R1 & R2

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to provide electricity service connection in favour of the petitioner for the house situated in Survey No.231/6, measuring Hec. 0.32.50 in Meliruppu Village, Panruti Taluk, Cuddalore District based on the petitioner's representation dated 21.03.2022.



3. The petitioner claims that he is in possession of the aforementioned property. According to him, it is his ancestral property. He has applied for electricity service connection for the said property. Since the application has not been considered till date, he has filed this writ petition.

4. Heard Mr.D. Baskar, learned counsel for the petitioner and Mr.Jaivenkatesh, learned Standing Counsel accepts notice for the respondents 1 and 2.

5. On instructions, learned Standing Counsel for the respondents 1 and 2 would submit that since a civil suit is pending with regard to the ownership of the subject property, electricity service connection has not been granted in favour of the petitioner. However, the learned counsel for the petitioner would submit that the suit is a partition suit and further, he would submit that the petitioner has been in possession and enjoyment of the property for a long period of time. Hence, there is no prohibition for the respondents to grant electricity service connection in favour of the petitioner.

6. Admittedly, a suit in O.S. No.25 of 2021 is pending with regard to the subject property. No prejudice would be caused to the respondents, if the applications submitted by the petitioner seeking for electricity service connection is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the rival claimants, who have filed suit O.S. No.25 of 2021. The petitioner has filed house tax receipts and the certificate issued by the Village Administrative Officer to show that he is in possession of the subject property.

7. Since, the petitioner has not filed the copy of the application submitted by him before the official respondents seeking for grant of electricity service connection, the petitioner will have to submit a fresh application with the second respondent.

8. For the foregoing reasons, this Court directs the petitioner to submit a fresh application seeking for grant of electricity service connection for his house comprised in Survey No.231/6, measuring Hec. 0.32.50 in Meliruppu Village, Panruti Taluk, Cuddalore District with the second respondent within a period of one week from the date of receipt of a copy of this order. On receipt of said application, the second respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the respondents 3 to 5 and any other necessary party whom the second respondent deems fit to enquire, within a period of eight weeks thereafter.



9. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

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//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Superintending Engineer,
Tamil Nadu Electricity
Generation & Distribution Corporation,
Capper Quarry,
Cuddalore - 607 004.

2. The Assistant Engineer (South),
Tamil Nadu Electricity
Generation & Distribution Corporation,
Panruti,
Panruti Taluk,
Cuddalore District.

+1 cc to Mr.D.Baskar, Advocate Sr.NO. 32163

W.P.No.11151 of 2022

GPL(CO)

A.SK(14/06/2022)