



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.14390 of 2022

R.Samiyappan

...Petitioner

Vs.

1.The Electrical Distribution Engineer,
TANGEDCO,
Palaniappa Street,
Erode- 638 009.

2.Assistant Electrical Engineer,
TANGEDCO,
Gobi Electrical Distribution Circle,
Ponnampalayam - 638 459.

3.R.Palanisamy

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for Writ of Mandamus for directing the second respondent to provide electricity connection to the petitioner house at Survey No.470/3A, Panniyampalli Village, Saththi Taluk, Erode District without insisting for No Objection Certificate from the third respondent.

For Petitioner : Mr.A.Mohamed Ismail

For Respondents 1 & 2 : Mr.Abul Kalam
Standing Counsel for TNEB

ORDER

This writ petition has been filed for mandamus seeking for a direction to the second respondent to provide electricity service connection to the petitioner's house at Survey No.470/3A, Panniyampalli Village, Saththi Taluk, Erode District without insisting for No Objection Certificate from the third respondent.

2. Mr.Abul Kalam, learned Standing Counsel accepts notice on behalf of the respondents 1 & 2. Since no adverse orders are going to be passed against the third respondent, notice to the



third respondent is dispensed with by this Court. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

3. The petitioner claims that he is the absolute owner of the property having got the same by virtue of a registered partition deed entered into between the petitioner and the third respondent who is his brother. The petitioner had applied for electricity service connection for his property pursuant to the partition. The petitioner's application has not been considered by the Tahsildar on the ground that the petitioner will have to obtain no objection certificate from his brother, the third respondent herein for obtaining electricity service connection. The petitioner contend that the third respondent is not granting no objection certificate in his favour and further, he would contend that since he is the absolute owner of the property pursuant to the partition, there is no necessity for obtaining no objection certificate from the third respondent. The petitioner has submitted his application on 07.10.2021. Since the application has not been considered till date, for the foregoing reasons, this writ petition has been filed.

4. Heard Mr.A.Mohamed Ismail, learned counsel for the petitioner and Mr.Abul Kalam, learned Standing Counsel for the respondents 1 & 2.

5. No prejudice would be caused to the respondents if the petitioner's application seeking for electricity service connection is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the third respondent including granting them the right of personal hearing. Since the third respondent is not granting a no-objection certificate in favour of the petitioner to enable him to get the electricity service connection for his house, it would suffice that if the third respondent is also heard in the enquiry proceedings, before passing any final orders. If such an exercise is done, no prejudice would be caused to any of the parties. Since the petitioner has applied for electricity service connection, the final orders will have to be passed within a short period of time.

6. For the foregoing reasons, this court directs the second respondent to pass final orders on the petitioner's application dated 07.10.2021 seeking for electricity service connection for his house at Survey No.470/3A, Panniyampalli Village, Saththi Taluk, Erode District within a period of four weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner as well as to the third respondent including granting them a right of personal hearing.



7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

WEB COPY

// True Copy //

Sub Assistant Registrar

nl

To

1.The Electrical Distribution Engineer,
TANGEDCO,
Palaniappa Street,
Erode- 638 009.

2.Assistant Electrical Engineer,
TANGEDCO,
Gobi Electrical Distribution Circle,
Ponnampalayam - 638 459.

+1cc to M/s.A.Mohamed Ismail, Advocate Sr.No.34281

W.P.No.14390 of 2022

PMK (CO)
RVM(22/06/2022)