



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.16104 OF 2020

G.Yuvaraj

... Petitioner

.Vs.

1. The Designated Engineer,
AE/O&M, Thirukalukundram,
Kanchipuram District.

2. The Superintending Engineer,
TANGEDCO,
Kanchipuram Circle,
Kanchipuram District.

3. Vedachalam
(R3 impleaded vide order
dated 20.04.2021 in
W.M.P.No.23051 of 2020)

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to accept the application of the petitioner for availing the electricity service connection to his domestic purpose in the premises situated at No.17, Godhumai Kollai Street, Thirukalukundram, Kanchipuram District 603 109 comprised in S.F.No.28/1, admeasuring an extent of 0.33 acres and to effect the service connection.

For Petitioner : Mr.C.Jayabala

For RR1 & RR2 : Mr.L.Jai Venkatesh
Standing Counsel

For RR3 : Mr.K.Govi Ganesan



O R D E R

The petitioner has filed this petition for issuance of writ of Mandamus to direct the respondents to accept the application of the petitioner for availing the electricity service connection to his domestic purpose in the premises situated at No.17, Godhumai Golla Street, Thirukalukundram, Kanchipuram District 603 109 comprised in S.F.No.28/1, admeasuring an extent of 0.33 acres and to effect the service connection.

2. The case of the petitioner is that the mother of the petitioner has settled the said property in favour of him and his brother through a registered Settlement Deed dated 25.04.2008 and further his brother has conveyed his share in favour of the petitioner by way of a registered Settlement Deed dated 21.03.2011 and thereby he is in lawful and peaceful possession of the property. Thereafter the petitioner had renovated his hut into a constructed house, and approached the respondents to provide fresh electricity connection for his domestic purpose and submitted necessary forms as prescribed by the respondent Department for availing the electricity service connection and paid the necessary charges. However, the respondents has refused the request of the petitioner. Thereafter, the petitioner once again made a detailed representation to the 1st respondent seeking for the electricity connection, but the 1st respondent have rejected his application through his letter dated 28.08.2020. Aggrieved by the same, the present petition is filed.

3. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court permits the petitioner to file fresh application seeking electricity connection before the 1st respondent, and may issue direction to the 1st respondent to consider the said petitioner's application and pass orders on the same within a particular time frame, fixed by this Court.

4. The learned Standing Counsel appearing for the official respondents submitted that there was a property dispute in between the petitioner and the 3rd respondent and the same is pending. However, the fresh application of the petitioner will be considered in the manner known to law.

5. The learned counsel appearing for the 3rd respondent submitted that the petitioner has constructed the house in the land belongs to the 3rd respondent and the 3rd respondent also sent objection to the 1st respondent for not to provide electricity service connection to the petitioner. However, he has no objection to consider the petitioner's fresh application



for electricity and liberty may be granted to the 3rd respondent to put forth his objection before the 1st respondent.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case permits the petitioner to file fresh application for the electricity connection, and if any such application is filed, the respondents are directed to consider the said petitioner's application and pass orders on the same in accordance with law, after hearing both the petitioner as well as the 3rd respondent within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Designated Engineer,
AE/O&M, Thirukalukundram,
Kanchipuram District.
2. The Superintending Engineer,
TANGEDCO,
Kanchipuram Circle,
Kanchipuram District.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.2880
+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.2909

W.P.NO.16104 OF 2020

GPL(CO)
PBS/09/02/2022