



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21771 of 2014

K.Duraisamy

... Petitioner

Vs

- 1.Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO)
Rep. by Additional Chief Engineer,
Gobichettipalayam Electricity Distribution Circle
Gobichettipalayam-638 452 Erode DT.
- 2.The Executive Engineer (O&M)
Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO)
Bhavani-638 301,
Erode District.
- 3.The Junior Engineer (O&M)
Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO)
Anthiyur-638 501,
Bhavani Taluk Erode District.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus Directing the respondents herein to effect electricity service connection as per the petitioner application Registration No.5451/ 23.1.1988.

For Petitioner : Mr.Sathyasatheesh
for M/s.ZEENATH BEGUM

For Respondents : Mr.L.Jai Venkatesh

O R D E R

The relief sought for in the present writ petition is to direct the respondents to effect electricity service connection in the premises of the petitioner.

2. The 3rd respondent has filed a counter stating that the petitioner has filed a suit in O.S.No.35 of 1999 on the file of the 1st Additional District Munsif Court, Bhavani, against the respondents herein seeking the same relief of mandatory



injunction and the said suit was dismissed on merits. Subsequently, the petitioner preferred an appeal in A.S.No.15 of 2003 before the Fast Track Court, No.IV, Bhavani. The said appeal was allowed on 31.01.2003 and granted a mandatory injunction. The mandatory injunction was to be executed within three years under the Limitation Act. The petitioner filed an Execution Petition in E.P.No.45 of 2010 before the Principal District Munsif of Bhavani, after the lapse of 7 years. The Court had dismissed the said Execution Petition by stating that it is barred by limitation. Now the petitioner has filed the present writ petition seeking the same relief by lapse of four years from the execution petition.

3. In view of the fact that the petitioner has not obtained required NOC from the owner of the property, the TANGEDCO Authorities have not considered the application submitted for providing electricity service connection in the name of the petitioner, who is a tenant. The respondents have stated that one Muthyammal is the owner of the property, who is no more and the petitioner has not produced the death certificate, legal heirs certificate and No Objection Certificate from the legal heirs of the deceased Muthyammal. Under these circumstances, the application submitted by the petitioner is to be considered only if all the required documents are submitted before the competent authorities. The petitioner is at liberty to do so.

4. With these observations the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

shr/ska

To

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Tamil Nadu Generation and Distribution
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Anthiyur-638 501,
Bhavani Taluk Erode District.

+1cc to M/s.ZEENATH BEGUM, Advocate, S.R.No.6204

W.P.No.21771 of 2014

GSM(CO)
CT 16/02/2022