



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.297 of 2022

and

W.M.P. (MD) No.230 of 2022

WEB COPY

P.Dhanarasu

... Petitioner

vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Virudhunagar District.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Aruppukottai, Virudhunagar District.

3.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Kariyapatti, Virudhunagar District.

...

Respondents

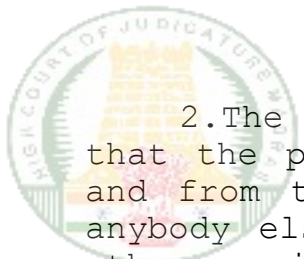
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 to 3 from providing electricity connection to the fourth respondent through the petitioner's agricultural land from the mini transformer located in the land belongs to the petitioner in S.Nos.18/4, 18/5 and 18/6A, S.Maraikulam Village, Kariyapatti Taluk, Virudhunagar District.

For Petitioner : Mr.N.Vijayarajan

For Respondents : Mr.S.Deenadhayan
Standing Counsel

O R D E R

The writ petition has been filed in the nature of Writ of Mandamus, seeking a negative relief, namely that the Court should direct the respondents 1 to 3 not to provide electricity connection to the fourth respondent. The Court cannot be an instrument to pass such an order. The petitioner can claim a right to be granted by way of a Mandamus. But certainly he cannot claim that the Court should prevent a right being granted to another person. The petitioner has been the beneficiary of free electricity connection being granted to his agricultural lands. At that particular point of time, a transformer was erected in the lands of the petitioner.



2.The learned counsel for the petitioner, therefore, claims that the petitioner alone can have the benefit of the transformer and from the transformer, no electricity line should be drawn to anybody else. Now the electricity connection is also required by other agriculturists. They also require such free electricity connection. The petitioner should turn the clock backwards and think about the time when he did not have electricity connection and after grant of free electricity connection, how he has been able to improve his agricultural work and enjoy the benefit thereof. The learned counsel for the petitioner states that the transformer should not be used and that the line should not be drawn over the lands of the petitioner herein.

3.That is a policy decision taken by the respondents and I am confident that they will ensure that even if lines are drawn it would not affect the safety or be of a hazard to the petitioner and anybody else in the lands of the petitioner or the property of the petitioner. That is the safeguard, which the first and second respondents will always take whenever a line is drawn over the lands of any particular individual.

4.I do not find any *bona fide* in the filing of the present writ petition. The Writ Petition is dismissed, however, placing a caveat on the first and second respondents to take necessary precautionary methods while drawing line from the transformer situated in the lands of the petitioner for the benefit of either the fourth respondent or for any other individual who seeks electricity connection. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj1

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Virudhunagar District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Aruppukottai, Virudhunagar District.

3.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Kariyapatti, Virudhunagar District.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-847[F] dated
07/01/2022)

W.P. (MD) No.297 of 2022
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RD(28.01.2022) 3P 5C