



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.1050 of 2022

Solaimalai

... Petitioner

vs.

1.The Divisional Engineer,
TANGEDCO,
Sivagangai.

2.The Assistant Engineer,
AE/O & M,
TANGEDCO,
Nattarasankottai,
Sivagangai.

3.Govindan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to forthwith grant electricity service connection to the petitioner's dwelling house situated in S.No.86/4B in Patta No.245 in Alangulam Group and Village, Sivagangai Taluk, Sivagangai District without any further delay as per online application, dated 05.12.2021.

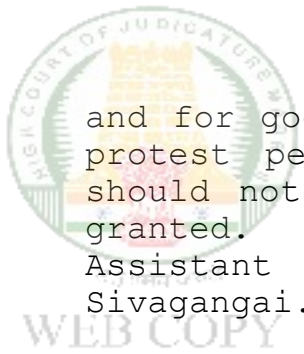
For Petitioner : Mr.V.S.Kumaraguru

For R1 and R2 : Mr.S.Deenadhayalan
Standing Counsel

O R D E R

Heard Mr.V.S.Kumaraguru, learned counsel for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel for the first and second respondents. In view of the nature of the order passed, notice is not directed to the third respondent.

2.The petitioner and the third respondent are brothers. Had they been united, this writ petition need not have been filed. But unfortunately, they have some differences and this has led them over to the door steps of the second respondent before whom, the petitioner had given an application seeking electricity connection



and for good measure before whom, the third respondent had given a protest petition stating that the application of the petitioner should not be considered and electricity connection should not be granted. I can understand the plight of the second respondent/The Assistant Engineer, AE/O & M, TANGEDCO, Nattarasankottai, Sivagangai.

3.The learned Standing Counsel, Mr.Deenadhayalan, also stated that both the application of the petitioner and the protest petition of the third respondent are now in the Office of the second respondent who does not know how to proceed.

4.Let the second respondent issue notice to both the petitioner and the third respondent, examine the holdings of the petitioner and if there is a dispute, the parties may be directed to settle the title dispute only before the civil Court. With respect to electricity connection, it can be made clear that grant or otherwise of electricity connections cannot lay a basis for raising a claim of title. It is only a privilege received at the hands of the second respondent for service charges to be paid. It is purely a contractual relationship between the second respondent and the petitioner herein, which will not give cause for the petitioner to claim larger interest over the property to which electricity connection is granted. If indemnity bond is to be obtained, let the second respondent obtain necessary indemnity bond or any other undertaking from the petitioner. If the petitioner's property can be granted electricity connection, provided other rules and regulations are satisfied, then let the second respondent proceed further, but also protect the interest of the third respondent by getting necessary undertakings from the petitioner herein. The second respondent may take a decision within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

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

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



correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Divisional Engineer,
TANGEDCO,
Sivagangai.

2.The Assistant Engineer,
AE/O & M,
TANGEDCO,
Nattarasankottai,
Sivagangai.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-2535[F] dated 27/01/2022)

+1 CC to M/s.V.S.KUMARAGURU, Advocate (SR-2321[F] dated 25/01/2022)

W.P.(MD) No.1050 of 2022
25.01.2022

RK(11/02/2022) 3P 5C