



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4000 of 2022
and
W.M.P. (MD) .No.3427 of 2022

Mayalagu

.. Petitioner

Vs

- 1.The Divisional Engineer,
TANGEDCO,
Sivagangai District.
- 2.The Assistant Engineer,
Operation and Maintenance,
TANGEDCO,
Sivagangia District.
- 3.The District Revenue Officer,
Sivagangai, Sivagangai District.
- 4.The Revenue Divisional Officer,
Sivagangai Sub Division,
Sivagangai District.

5.Solamalalai

6.Govinthan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 not to proceed further to provide electricity connection to the house situated in Survey No.86/4 of Alangulam Village and Group, Sivagangai Taluk, Sivagangai District until the final disposal of the case in Na.Ka.P4 19319/2021, dated 30.07.2021, on the file of the third respondent.

For Petitioner : Mr.R.Balamuruganantham

For R-1 & R-2 : Mr.S.Deenadhayalan
Standing Counsel

For R-3 & R-4 : Mr.B.Saravanan
Additional Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 not to proceed further to provide electricity service connection to the house property situated in Survey No.86/4 of Alangulam Village and Group, Sivagangai Taluk, Sivagangai District.

2.According to the petitioner, he is the owner of the aforementioned property. However, the fifth respondent, who is his brother, is attempting to get an electricity service connection for the said property in his name. In such circumstances, he has filed this writ petition.

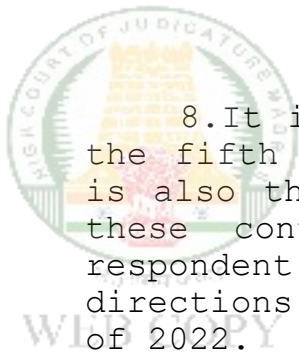
3.Heard Mr.R.Balamuruganantham, learned counsel appearing for the petitioner, Mr.S.Deenadayalan, learned Standing Counsel, who accepts notice on behalf of the respondents 1 and 2 and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 3 and 4.

4.On instructions, the learned Standing Counsel would submit that by order, dated 25.01.2022, passed in W.P.(MD).No.1050 of 2022, a direction was issued to the respondents 1 and 2 to consider the petitioner's application therein, seeking for electricity service connection for the property comprised in S.No.86/4B, in Patta No.245 in Alangulam Village and Group, Sivagangai Taluk, Sivagangai District, within a period of twelve weeks from the date of receipt of a copy of the said order. He would further submit that the enquiry is yet to be completed and final order is yet to be passed in compliance of the aforesaid order, dated 25.01.2022, passed by this Court in W.P.(MD).No.1050 of 2022.

5.No prejudice will be caused to the respondents 1 and 2, if the petitioner in this writ petition is also heard by them in the enquiry that is being conducted by the first and second respondents, pursuant to the directions given by this Court on 25.01.2022, in W.P.(MD).No.1050 of 2022.

6.The petitioner is the brother of the fifth respondent, who is the petitioner in W.P.(MD).No.1050 of 2022 in which he has sought for electricity service connection in his name, for the property comprised in S.No.86/4B.

7.Though it is the stand of the learned Standing counsel that S.Nos.86/4 and 86/4B are different, no prejudice will be caused to the respondents 1 and 2, if the petitioner is also heard in the enquiry to be conducted by the respondents 1 and 2, pursuant to the directions given by this Court on 25.01.2022, in W.P.(MD).No.1050 of 2022.



8.It is the stand of the petitioner that S.No.86/4B, for which the fifth respondent has sought for electricity service connection is also the same property, which is owned by the petitioner. All these contentions will have to be considered by the second respondent in the final orders to be passed by him, pursuant to the directions given by this Court, on 25.01.2022, in W.P.(MD).No.1050 of 2022.

9.For the foregoing reasons, this writ petition is disposed of by giving directions to the second respondent to give notice to the petitioner also in the enquiry conducted by him, pursuant to the directions given by this Court, on 25.01.2022, in W.P.(MD).No.1050 of 2022 and only after hearing the petitioner, the second respondent is directed to pass final orders on the fifth respondent's application seeking for issuance of electricity service connection. The petitioner is permitted to raise all objections available to him under law with regard to the request made by the fifth respondent, seeking for grant of electricity service connection in his favour. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar

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 District Revenue Officer,
Sivagangai, Sivagangai District.
- 2.The Revenue Divisional Officer,
Sivagangai Sub Division,
Sivagangai District.

+1 CC to M/s.T.KUMAR, Advocate (SR-10104[F] dated 04/03/2022)
+1 CC to M/s.SPL GP (SR-10355[F] dated 07/03/2022)
+1CC to M/s.S.DEENADHAYALAN, Advocate (SR-10725[F] dated 08/03/2022)

W.P.(MD)No.4000 of 2022
04.03.2022

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