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W.P.(MD)NO.15334 OF 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 14.07.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.15334 of 2021 and**  
**W.M.P.(MD)No.12232 of 2021**

Mariya Lilly

... Petitioner

Vs.

1. The Tamil Nadu Generation and Distribution Corporation Ltd.,  
Anna Salai, Chennai – 600 002,  
Rep. by its Chairman.
  2. The Assistant Executive Engineer,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
Puthukkada, Kanyakumari District.
  3. The Junior Engineer,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
Sooriacode,  
Kanyakumari District.
  4. The District Collector,  
Kanyakumari District.  
(R-4 is suo motu impleaded  
vide order dated 14.07.2022.)
- ... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide supply of electricity for the petitioner's building, bearing House No.2/226 of Kulappuram



Village Panchayat, that is, Choozhakkavilai Veedu, Kulappuram, Kulappuram P.O., Kanyakumari District, within a time to be fixed by this Court.

For Petitioner : Mr.K.N.Thampi

For R-1 to R-4 : Mr.S.Deenadhayan,  
Standing Counsel.

\* \* \*

### **ORDER**

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the respondents TANGEDCO.

2. The petitioner seeks supply of electricity for the petition mentioned house. The learned Standing counsel states that in view of the objection raised by the adjacent land owner, the supply could not be effected. The petitioner's counsel states that the adjacent land owner had given consent in the year 2017 itself. The learned Standing counsel on the other hand would state that though the adjacent land owner appears to have given consent earlier, he is now having second thoughts.



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3. Since factual aspects are involved, I am inclined to follow the direction given by the Hon'ble Division Bench in W.A.(MD)No.1158 of 2021 dated 15.06.2021. The writ appeal was partly allowed in the following terms:-

“ 7. In the result, the Writ Appeal is partly allowed and the order and direction issued in the writ petition is modified by directing the appellant to submit a representation to the respondents 2 and 3 to take action to remove the objection raised by the respondents 4 and 5 for drawal of electricity line and erection of poles to grant electricity supply to the appellant. If such representation is made, the respondents 2 and 3 shall make appropriate application before the District Collector, Kanyakumari District, who shall consider the objection and examine the same by applying the provisions of the Works of Licensees Rules 2006 r/w the Indian Telegraph Act 1885, before which, notice shall be issued to the appellant and the respondents 4 and 5 and pass orders on merits and in accordance with law. Based on the



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orders passed by the District Collector, Kanyakumari District, the respondents 2 and 3 are directed to take appropriate action. Since the District Collector, Kanyakumari District at Nagercoil, is not a party respondent in this appeal and since direction has been issued, we suo motu impleaded the District Collector, Kanyakumari District at Nagercoil, as the sixth respondent in the writ appeal.

8. The above directions shall be complied with by the authorities within two months from the date of which the appellant submits the representation to the respondents 2 and 3. No costs. ”

4. In the line with the said order, I permit the petitioner to submit a representation to the third respondent for drawal of electricity line and for the supply of electricity. If according to the third respondent, there is objection from any private parties, the third respondent will make appropriate application before the District Collector, Kanyakumari District, who shall consider the objections and examine the same in invoking the provisions of the Works of Licensees Rules 2006



r/w the Indian Telegraph Act 1885. Of course the District Collector will issue notice to the objectors and thereafter pass orders on merits and in accordance with law. After the order to be passed by the District Collector, the third respondent will take appropriate action.

5. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**14.07.2022**

Index : Yes / No  
Internet : Yes/ No

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Note : Issue order copy on 25.07.2022.



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W.P.(MD)NO.15334 OF 2021

**G.R.SWAMINATHAN,J.**

PMU

**To:**

1. The Tamil Nadu Generation and Distribution Corporation Ltd.,  
Anna Salai, Chennai – 600 002, Rep. by its Chairman.
2. The Assistant Executive Engineer,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
Puthukkadai, Kanyakumari District.
3. The Junior Engineer,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
Sooriacode, Kanyakumari District.
4. The District Collector,  
Kanyakumari District.

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