



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD).No.16630 of 2020

Thangamani

... Petitioner

Vs.

1.The Assistant Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
East Manachanallur,
Trichy District.

2.S.Padmaloshini

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to provide electricity connection to the petitioner's house situated in S.No.108, Door No.2/2A, Nadarpallam, Ayyampalayam, Manachanallur Taluk, Trichy District within a stipulated time fixed by this Court.

For Petitioner	:	Mr.S.M.Mohan Gandhi
For R-1	:	Mr.S.Deenadhayalan, Standing Counsel.
For R-2	:	Mr.C.Vakeeswaran

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to provide electricity connection to the petitioner's house situated in Survey No.108, Door No.2/2A, Nadarpallam, Ayyampalayam, Manachanallur Taluk, Trichy District based on the petitioner's representation application dated 16.10.2020 within a time frame to be fixed by this Court.

2. It is the contention of the petitioner that she is the owner of the aforementioned property and she is in possession and enjoyment of the same. She has applied for electricity service connection for her property with the first respondent on 16.10.2020. She has given several representations thereafter. Since her application has not been considered till date, she has filed this Writ Petition.



3. Heard Mr.S.M.Mohan Gandhi, learned counsel for the petitioner, Mr.S.Deenadhayalan, learned Standing Counsel, who accepts notice for the first respondent and Mr.C.Vakeeswaran, learned counsel, who accepts notice for the second respondent.

4. Learned counsel for the second respondent vehemently opposes the grant of electricity service connection in favour of the petitioner on the ground that the petitioner is an encroacher. According to him, Section 7 notice under the Land Encroachment Act has already been issued to the petitioner.

5. No prejudice would be caused to the respondents, if the petitioner's application dated 16.10.2020 seeking for electricity service connection is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the second respondent and any other necessary party, whom the first respondent deems fit to enquire.

6. It is also submitted by the learned counsel for the second respondent that objections have already been given to the first respondent on 17.07.2020 requesting the first respondent not to grant electricity service connection to the petitioner. It is for the respondents to consider the same on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application dated 16.10.2020 seeking for electricity service connection in her name for the property situated in Survey No.108, Door No.2/2A, Nadarpallam, Ayyampalayam, Manachanallur Taluk, Trichy District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the second respondent including granting them the right of personal hearing and also after giving due consideration to the objections raised by the second respondent through her written objections dated 17.07.2020, within a period of three (3) months from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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, the copy of the order that is presented is the correct

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



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

To

The Assistant Executive Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
East Manachanallur,
Trichy District.

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-14664[F] dated 25/03/2022)

+1CC to M/s.S.DEENADHAYALAN, Advocate (SR-15199[F] dated 29/03/2022)

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25.03.2022

LM

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