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W.P.(MD)NO.20029 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20029 of 2022

Hyther Ali Ambalam

... Petitioner

Vs.

1. The Assistant Engineer,
O/o.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporatio Ltd.,
Thiruppathur Town,
Sivagangai District.

2. Mohammed Kasim

3. Kadar Maideen

4. Mohamed Mansoor

5. Mohammed Haroon

6. Muthumohammed
(R-2 to R-6 are *suo motu* impleaded
vide Order dated 29.08.2022)

... Respondents

Prayer: Writ petition is filed under Article 226 of the
Constitution of India, to issue a Writ of Certiorarified
Mandamus, to call for the records pertaining to the impugned
order issued by the first respondent in
Ka.No.VuMiPo/Nagar/Thiru/Ko Manu/VaAa/A.Yen 113/22



dated 30.06.2022 and quash the same as illegal and further direct the respondent to provide electricity connection to petitioner house situated in Survey No.365/231, Vedha Kovil Street, Thiruppathur Town, Sivagangai District.

For Petitioner : Ms.P.Yasmin Begum

For R-1 : Mr.S.Deenadhayalan,
Standing Counsel.

For R-2 to R-6 : Mr.E.Mohamed Abbas

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner applied to TANGEDCO for being provided with electricity service connection. Since the civil suit is pending between the writ petitioner and the impleaded respondents, citing the same, the first respondent declined to grant electricity service connection to the writ petitioner. Challenging the same, this writ petition has been filed.



3. After hearing the learned counsel on either side, this writ petition is disposed of with the following directions:-

(a) The impleaded respondents had already filed I.A.No.2 of 2022 in O.S.No.29 of 2022 on the file of the District Munsif, Thiruppathur. The learned District Munsif, Thiruppathur, is directed to dispose of I.A.No.2 of 2022 on merits and in accordance with law after hearing the writ petitioner herein within a period of three weeks from the date of receipt of a copy of this order.

(b) If the impleaded respondents succeed in getting an order of injunction, the TANGEDCO will not provide electricity service connection to the petitioner. If the impleaded respondents are unable to obtain interim injunction in their favour, definitely the first respondent shall grant electricity service connection to the petitioner subject to fulfilment of the other usual formalities.

4. It is seen that the TANGEDCO is a party to the main suit and they are not party to the I.A. The I.A. is only regarding injunction. The order of the civil Court will clarify who is in possession. If the impleaded respondents are found



to be in possession, then obviously the electricity service connection will not be granted. If the finding regarding possession goes against the impleaded respondents, then obviously the connection will be given in favour of the writ petitioner. This writ petition stands disposed of accordingly. No costs.

29.08.2022

Index : Yes / No
Internet : Yes/ No

PMU

Note : Issue order copy on 01.09.2022.

To:

The Assistant Engineer,
O/o.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporatio Ltd.,
Thiruppathur Town,
Sivagangai District.



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G.R.SWAMINATHAN,J.

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