



W.P.(MD)No.26423 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26423 of 2022

Jothimani

.. Petitioner

Vs.

1.The Executive Engineer,
TANGEDCO, Palani,
Dindigul District.

2.The Assistant Electrical Engineer,
TANGEDCO, Palani North,
Dindigul District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to give an agricultural electricity connection to the petitioner for the bore-well situated in S.No.87/3A at Kothaimangalam Village based on the application in S.No.IV. 227/21-22, dated 01.10.2021 within a time frame as may be fixed by this Court.

For Petitioner	: Mr.D.Venkatesh
For R1 & R2	: Mr.S.Deenadhayalan Standing Counsel

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus,

<https://www.mhc.tric.gov.in/> directing the respondents to to give an agricultural electricity connection to the



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petitioner for the bore-well situated in S.No.87/3A at Kothaimangalam Village based on the application in S.No.IV.227/21-22, dated 01.10.2021 within a time frame as may be fixed by this Court.

2.Heard Mr.D.Venkatesh, learned counsel for the petitioner and Mr.S.Deenadhayalan, learned standing, who takes notice for the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that the application filed by the petitioner, seeking electricity service connection to his agricultural bore-well, has not been considered.

4. The learned counsel for the petitioner submitted that the petitioner is having a property in S.No.87/3A at Kothaimangalam Village, Dindigul District. He applied for providing electricity service connection to his land before the respondents on 01.10.2021. He has also paid necessary fee. But based on the objections given by the adjacent land owners, the respondents have not taken any steps to give electricity connection to the petitioner. Further, the petitioner filed O.S.No.245 of 1995 and got prohibitory order to make such objections. Even then, the respondents are not ready to meet out



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the claim of the petitioner. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

5.However, the learned Standing Counsel appearing for the respondents would submit that some third parties are opposing the grant of erecting poles in their lands for the purpose of granting electricity service connection in favour of the petitioner.

6.This Court is of the considered view that no prejudice would be caused to the respondents, if the application made by the petitioner, dated 09.11.2022 is considered on merits and in accordance with law and if the aforesaid third party, who is opposing the grant of electricity service connection in favour of the petitioner, is also heard before a decision is taken by the second respondent as to whether the electricity service connection can be granted to the petitioner or not.

7. Accordingly, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the application filed by the petitioner, dated 01.10.2021, on merits and in accordance with law, after affording a fair opportunity of hearing to the petitioner, as well as the rival claimants, if any, within a period of twelve [12] weeks from the date of receipt of a copy of this order.



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WEB COPY 8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

23.11.2022

Index : Yes/No
Internet : Yes/No
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To

- 1.The Executive Engineer,
TANGEDCO, Palani,
Dindigul District.
- 2.The Assistant Electrical Engineer,
TANGEDCO, Palani North,
Dindigul District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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23.11.2022