



W.P.No.3593 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3593 of 2023

and

W.M.P.No.9913 of 2023

K.Malaiyappan

... Petitioners

Vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
Anna Salai,
Chennai - 600 002.
2. The Superintend ending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Udumalpet Taluk,
Tiruppur District.
3. The Assistant Engineer,
Operation / Maintenance,
Tamil Nadu Generation and Distribution
Corporation Limited,
Erisanampatti Village,
Udumalpet Taluk,
Tiruppur District.



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4. The Junior Engineer,
Operation / Maintenance,
Tamil Nadu Generation and Distribution
Corporation Limited,
Erisanampatti Village,
Udumalpet Taluk,
Tiruppur District.

5. Velusamy

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 4 to give electricity service connection to the petitioner's well in S.F.No.26/2, Valayapalayam Village, K.Vallakundapuram Post, Udumalpet Taluk, Tiruppur District as per his application dated 07.03.2019.

For Petitioners : Mr.B.Kumarasamy

For Respondents : Mr.L.Jai Venkatesh for R1 to R4
Mr.N.Ponraj for R5

O R D E R

This Writ Petition is filed seeking to direct the respondents 1 to 4 to give electricity service connection to the petitioner's well in S.F.No.26/2, Valayapalayam Village, K.Vallakundapuram Post, Udumalpet Taluk, Tiruppur District, based on the application dated 07.03.2019 submitted by him.



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2. The case of the petitioner is that the petitioner is the owner of the land in S.F.No.26/2, Valayapalayam Village, K.Vallakundapuram Post, Udumalpet Taluk, Tiruppur District and there was a Well situated in his lands. In order to agriculture in his land, he dug a Well in South-West corner of his lands in S.F.No.26/2 and fetched the water from the said well through diesel motor. While so, the fifth respondent disturbed his peaceful possession and enjoyment of his allotted portion. Hence, he filed a suit before the District Munsif Court, Udumalpet in O.S.No.125 of 2016 for permanent injunction against the fifth respondent herein. Pending his suit, the fifth respondent filed a suit before the District Munisf Court, Udumalpet in O.S.No.280 of 2019. Even though, he fetched the water from the Well through diesel motor, in the present situation, it is too difficult to get the fuel. Therefore, on 07.03.2019, he made an application to the respondents 1 to 4 to provide service connection to his Well. But the same has not been considered till date. Hence, the petitioner has filed the present Writ Petition with the aforesaid prayer.



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3. The learned counsel appearing for the petitioner would submit that on earlier occasion, this Court issued a direction to the third respondent to hold an enquiry in between the petitioner and the fifth respondent for providing service connection, but till date, no order was passed. Hence, this Court may issue a direction to the third respondent to hold an enquiry in between the petitioner and the fifth respondent with regard to the service connection as sought by the petitioner.

4. The learned counsel appearing for the official respondents would submit that appropriate order would be passed based on the application submitted by the petitioner dated 07.03.2019 after conducting enquiry between the petitioner and the fifth respondent.

5. Heard learned counsel appearing on either side and perused the materials placed before this Court.



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6. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the third respondent to consider the petitioner's application dated 07.03.2019 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order after conducting an enquiry in between the petitioner and the fifth respondent.

7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

21.04.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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