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W.P.Nos.6962 & 6965 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.6962 & 6965 of 2023

and

WMP.Nos.7065 & 7072 of 2023

1. A.Shenbagadevi
2. G.V.Adhimoolam
3. P.K.Selvan ...Petitioners in both W.Ps.

Vs.

1. Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO),
Rep. by its Assistant Engineer,
Pallipalayam, Pallipalayam Post,
Namakkal District - 638 101.
2. N.Sampath Kumar ...Respondents in both W.Ps.

Prayer in W.P.No.6962 of 2023: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Mandamus calling for the records bearing No.027 of 2023 dated 24.01.2023 on the file of the 1st respondent and quash the same and direct the 1st respondent to restore the electricity connection vide service No.04-159-009-774 with respect to Survey No.311/2D, Pallipalayam Village, Namakkal District.

Prayer in W.P.No.6965 of 2023: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Mandamus calling for the records bearing No.027 of 2023 dated 24.01.2023 on the file of the 1st respondent and quash the same and direct the 1st respondent to restore the



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electricity connection vide service No.04-159-009-775 with respect to Survey No.311/2D, Pallipalayam Village, Namakkal District.

In both W.Ps.:

For Petitioners : Mr.P.J.Sri Ganesh

For Respondents : Mr.S.Kalaiselvan, for R1.
: Mr.K.Raja, for R2.

COMMON ORDER

Since the issue involved in both the Writ petitions are similar in nature, they are disposed of by way of this common order.

2. The petitioners have come up with these Writ petitions seeking quashment of the order of the 1st respondent in respect of the proceedings bearing No.027 of 2023 dated 24.01.2023 and for a consequential direction to the 1st respondent to restore the electricity connections, vide Service Nos.04-159-009-774 and 04-159-009-775 in respect of the petitioners' premises situated at S.No.311/2D, Pallipalayam Village, Namakkal District.

3. The case of the petitioners is that the 1st petitioner is the absolute owner of the property comprised in S.No.311/2D, measuring an extent of 8626 sq.ft., situated at Pallipalayam Village, Namakkal District and patta in



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Patta No.13 in respect of the said property also stands in her name. The said property was rented out to the 3rd petitioner, vide lease deed dated 28.04.2017 for a monthly lease rental for Rs.12,000/- and he is running a Lathe works in the said property and two different Electricity Connection, vide Consumer Nos.04-159-009-774 and 04-159-009-775 respectively were also obtained for the same. The access to the above said property is through the property comprised in Old S.F.No.311/2P, corresponding New R.S.No.311/2A located at Door No.57, 59, 61, Pallipalayam Village, Namakkal District, which originally belonged to the 2nd petitioner/husband of the 1st petitioner. However, the same was later brought for sale through public auction, as the 2nd petitioner did not repay the loan availed by mortgaging the said property and thereby, the said property was purchased by the 2nd respondent herein. Further, the electricity lines to the 1st petitioner's property comprised in S.No.311/2D passes through the electric poles erected by the 1st respondent on the land comprised in Old. S.F.No.311/2P. While so, the above said electric poles were damaged, which resulted in disconnection of the electricity service connection to the premises in S.No.311/2D. Therefore, the petitioners approached the 1st respondent seeking to restore the Electricity connection enabling the 3rd



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respondent to continue running his business. In such circumstances, the petitioners received a communication of the 1st respondent dated 24.01.2023, rejecting the petitioners' claim with a

direction to the petitioners to make fresh application for effecting electricity connection after purchasing the electric cables using their own money and after obtaining necessary No Objection. Challenging the same, the present Writ petitions.

4. Learned counsel appearing for the first respondent submitted that till date, the petitioners have not provided the Service cables which is required for erecting Electric poles, in order to effect Electricity Service connection to the petitioners' premises and the petitioners are seeking to provide service connection in the disputed area. He further submitted that, as soon as the petitioners provide the Service cables, the service connection to the petitioners' premises will be effected in the undisputed area within the time stipulated by this Court.

5. In response, learned counsel for the petitioners submitted that the



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necessary Service cables are made ready in order enable the electricity officials to effect Electricity Service connection to the petitioners' premises comprised in S.No.311/2D.

6. In view of the aforesaid stand taken by the learned counsel for the petitioners, this Court, without interfering with the order impugned in these Writ petitions, directs the 1st respondent to effect Service connection to the petitioners' premises through the undisputed area within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, these Writ Petitions stand disposed of with the aforesaid direction. No costs. Consequently, connected Miscellaneous petitions are closed.

15.03.2023
(1/3)

skt

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

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To
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Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO),
Rep. by its Assistant Engineer,
Pallipalayam, Pallipalayam Post,
Namakkal District - 638 101.

M.DHANDAPANI., J.

skt

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and
WMP.Nos.7065 & 7072 of 2023
(1/3)



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W.P.Nos.6962 & 6965 of 2023

15.03.2023

WMP.Nos.7064 & 7070 of 2023
in
W.P.Nos.6962 & 6965 of 2023

M.DHANDAPANI, J.

Ordered, on payment of separate
Court fee.

15.03.2023

(2/3)

skt



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W.P.Nos.6962 & 6965 of 2023

WMP.No.7071 of 2023

in

W.P.No.6965 of 2023

M.DHANDAPANI, J.

Dispense with ordered for the
present.

15.03.2023

(3/3)

skt