



W.P.No.13711 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.13711 of 2023

V.Mani

... Petitioner

Vs.

1.Superintendent Engineer,
Tamil Nadu Electricity Board,
Vengikal Village and Post,
Tiruvannamalai Taluk & District.

2.The Assistant Executive Engineer (South),
Tamil Nadu Electricity Board,
Vengikal Village and Post,
Tiruvannamalai Taluk & District.

3.The Junior Engineer (South)
Tamil Nadu Electricity Board,
Vengikal Village and Post,
Tiruvannamalai Taluk & District.

4.Pichai Sthabathi @ Pichandi

... Respondents



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PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records of the third respondent in Letter E.NE.PO/EPA/KE.THE/T.MALAI/KO.NE.MA/No.127/2023, dated 22.02.2023 and quash the same.

For Petitioner : Mr.K.Venkateswaran

For Respondents : Mr.Daniel Mary
Standing Counsel for TNEB
R1 to R3

Mr.P.G.Thiyagu for R4

ORDER

The petitioner claims that he has put up five commercial shop buildings for construction, for which he had obtained a temporary electricity connection. Now, he has completed the construction and seeks a permanent connection for the same. He has also circulated a copy of the certificate from the VAO, dated 04.01.2023, stating that he constructed the buildings.

2.When the petitioner wanted a temporary connection for constructing the building, the fourth respondent raised an objection, and he brought the matter



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before this Court in W.P.No.4244 of 2022. This Court directed the official of TANGEDCO to hear both sides and pass an order. Based on this order, a temporary connection was given. This Court also understands that the forth respondent herein has instituted O.S.No.32 of 2021 on the file of the Principal Subordinate Judge, Tiruvannamalai, challenging the petitioner's title to the property.

3.The fourth respondent has filed the counter, wherein it was diagrammatically explained to the Court that a portion that belong to the fourth respondent and also explained how the petitioner herein has encroached into the property of the fourth respondent.

4.Admittedly, both the petitioner and the fourth respondent have their plot of land adjacent to each other. The fourth respondent's plot is to the East of the petitioner's plot. According to the petitioner, he has not encroached into the plot of the fourth respondent, whereas the fourth respondent states that the petitioner, not only has encroached into his area, but has also dug up a bore well therein. In this aspect of the matter, this Court does not intend to interfere as this is now



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required to be resolved by the Principal Sub Court in O.S.No.32 of 2021.

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5.Today, it is an admitted fact that the petitioner has put up five small commercial rooms and seeks permanent electricity connection to the same. Inasmuch as the construction of the rooms have been completed now, if at all the plaintiff seeks to remove all or any of them, necessarily it could be done only if the Court passes either a decree for mandatory injunction or for delivery of any portion of the property. But for the present, this Court does not say any reason why the petitioner must be denied permanent electricity service connection for the five rooms, subject to the outcome of the Civil Suit in O.S.No.32 of 2021.

6.In conclusion, this Court sets aside the impugned proceedings dated 22.02.2023 and remands the matter back to the third respondent, who is now required to consider the representation of the petitioner afresh and provide him with an electricity service connection within a period of four weeks from the date of receipt of an online copy or the date on which the order is hosted in the official website, whichever is earlier, if he satisfies all the requisite criteria. It is underscored that any such permanent electricity service connection that may be



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given by TANGEDCO will be subject to the outcome of O.S.No.32 of 2021.

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7.This writ petition stands disposed of with the above directions. No Costs.

04.09.2023

Anu

Index : Yes / No

Neutral citation : yes/no

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N.SESHASAYEE, J.
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