



W.P.No.13444 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

W.P.No.13444 of 2023

S.Gopal

...Petitioner

Vs.

1. The Assistant Engineer,
(Operations and Maintenance),
TANGEDCO
Chithar, Bhavani Taluk,
Erode District.

2. Mr.Palaniyappan
3. Mr.Ponnusamy
4. Mr.Raja

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to provide electricity connection to the petitioner's property situated in S.F.No.950/14 & 950/16, Amman Kovil Thottam, Kadappa Nallur Post, Kurichi Village, Bhavani Taluk, Erode District.

For Petitioner : Mr.D.Senthilkumar

For Respondents : Mr.I.Syed Sibghatulla, for R1



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ORDER

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The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to provide electricity connection to the petitioner's property.

2. Mr.I.Syed Sibghatulla, learned counsel takes notice for the 1st respondent. In view of the consent expressed by the Learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

4. The case of the petitioner is that the property comprised in S.F.Nos.950/14 & 950/16, measuring an extent of 16 ares and 21.5 ares respectively situated at Amman Kovil Thottam, Kurichi Village, Erode District was originally owned and possessed by the petitioner's paternal great grandfather namely Perumal Kounder and patta in respect of the above said properties was also issued in his favour in Patta No.832. After the demise of the said Perumal Kounder, the above said properties stood



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conveyed in favour of the petitioner's paternal grandfather namely

Ramasamy and he put up a house in S.No.950/14 and residing thereon for the past 60 years. Since, the petitioner and his family decided to put up construction in S.Nos.950/14 & 950/16, they laid foundation and started the construction of house. Thereafter, the petitioner applied for domestic Electricity Service connection to their newly constructed house on 16.03.2023 and also paid the necessary charges, however, the 1st respondent denied to effect service connection on the ground that, the respondents 2 to 4 issued legal notice dated Nil.03.2023 stating that the partition suit in O.S.No.06/2020 is pending and further submitted that, till the disposal of the said suit, no service connection can be effected in favour of the petitioner. Pursuant to the said notice, the petitioner's father issued a reply dated 27.03.2023 to the respondents, which evoked no response. Aggrieved by the inaction on the part of the 1st respondent, the petitioner's father sent another representation dated 17.04.2023 to the 1st respondent and other officials, requesting to provide Electricity connection to the newly built residential house, however, till date, no orders have been passed on the same. Hence, this Writ petition.



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5. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 1st respondent to consider the representation of the petitioner's father dated 17.04.2023 and effect Electricity service connection to the petitioner's property as expeditiously as possible.

6. Learned counsel appearing for the 1st respondent has no serious objection for the said order being passed.

7. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, directs the 1st respondent to consider the petitioner's application dated 17.04.2023 on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and the private respondents.

8. Accordingly, this Writ petition stands disposed of. No costs.

27.04.2023



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Speaking Order : Yes/ No
Index : Yes/ No

M.DHANDAPANI., J.

skt

To

The Assistant Engineer,
(Operations and Maintenance),
TANGEDCO
Chithar, Bhavani Taluk,
Erode District.

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