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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **02.01.2023**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 31021 of 2022

And

W.M.P.No. 30422 of 2022

S.Kalidas

... Petitioner

..Vs..

1. The Assistant Executive Engineer
Protection and Maintenance / City -I
Tamil Nadu Electricity Board (TNEB),
Thirukovilur.

2. The Junior Engineer
Protection and Maintenance / City-I,
Tamil Nadu Electricity Board (TNEB)
Thirukovilur.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling the records of 2nd respondent pertaining to his order made in (1) Ka.No.E.M.Po/EPa/NI/Thiruk/VaAa/Ku.New E B/Aa.No. 187/2020 dated 02.12.2020 and (2) Ka.No.E.M.Po/E & Pa/N-I/Thiruk/Va Aa/Ku. Petition /Aa No. 135/2022-23 dated 18.10.2022 and quash the same.

For Petitioner

:: Mr. C.Prem Kumar

For Respondents

:: Ms. Daniel Mary
Standing Counsel

**ORDER**

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The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with an order dated 02.12.2020 and another order dated 18.10.2022 wherein the respondents had refused to give electricity connection to the petitioner.

2. In the affidavit filed in support of the Writ Petition, the petitioner claimed that he is residing at No. 133, Sailom Road, Keelaiyur at Thirukovilur. He had also purchased vacant land measuring 1308 sq.ft., from Mary Selviyal through her Power Agent I.Jhondocles by a sale deed bearing Document No. 2389 of 2010 dated 08.04.201 registered in the Office of the Sub Registrar at Keelaiyur. He claimed that he was the absolute owner of the property. He thereafter planned to construct a house in the said property and sought for electricity connection. Since one V.Munusamy, son of Veeran had raised objections, the respondents refused to give service connection. They also stated that a suit in OS.No. 147 of 2012 was pending before the III Additional Sub Court at Villupuram.

3. The learned counsel for the petitioner however stated that the petitioner was not a party in the said suit and also stated that the suit itself had been dismissed for non prosecution on 06.04.2017. It is also stated that as on date, to the knowledge of the petitioner, the suit had not yet been restored.



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4. Even otherwise, the petitioner is not a party to the suit and therefore any decree or order passed in the suit would not be binding on the petitioner.

5. A direction is therefore issued that if the petitioner satisfies all other conditions, the second respondent should proceed to grant necessary electricity service connection to the petitioner. The petitioner may give necessary undertaking that he would actually construct a house in the said premises and further, also give any other undertaking as required by the respondents that he would abide by the rules and regulations of the respondents.

6. At any rate, the grant of electricity connection cannot enlarge the title of the petitioner. He already has a sale deed in his favour. The respondent are directed to grant electricity connection if not already granted on or before 31.01.2023. The Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

02.01.2023

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order



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C.V.KARTHIKEYAN, J.,

vsg

To

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