



W.P.(MD)No.466 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.466 of 2021
and
W.M.P(MD)No.398 of 2021

Vijaya Baskaran

... Petitioner

vs

1.The Superintending Engineer,
TANGEDCO,
Pudukottai.

2.The Assistant Engineer,
Operation and Maintenance,
TANGEDCO, Manamelkudi,
Pudukottai.

3.The Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO, Aranthangi,
Pudukottai District.

4.Shanmuga Vadivel

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the second respondent in his proceedings in



W.P.(MD)No.466 of 2021

WEB COPY

க.எண்.உ.மி.பொ/இகா/மணவை/கோ.புதிய விண்ணப்பம்/ அ.எண்.350/2020, dated 18.11.2020 and quash the same as illegal, consequently directing the second respondent to give electricity service connection to the petitioner's property measuring to an extent of 1449 sq.feet comprised in Survey No.331/24B situated at Oosi Kalamman Kovil Street, Manamelkudi, Pudukottai District as per the Tamil Nadu Electricity Distribution Code.

For Petitioner : Mr.T.Lenin Kumar

For R1 to R3 : Mr.S.Deenadhayalan
Standing Counsel

For R4 : Mr.R.Balakrishnan

ORDER

This writ petition is filed for Writ of Certiorarified Mandamus to quash the impugned order passed by the second respondent in his proceedings in க.எண்.உ.மி.பொ/இகா/மணவை/கோ.புதிய விண்ணப்பம்/ அ.எண்.350/2020, dated 18.11.2020 and for consequential direction to the second respondent to give electricity service connection to the petitioner's property measuring to an extent of 1449 sq. feet comprised in Survey No.331/24B situated at Oosi Kalamman Kovil Street, Manamelkudi, Pudukottai District as per the Tamil Nadu Electricity Distribution Code.



W.P.(MD)No.466 of 2021

WEB COPY

2. Heard the learned counsel appearing for the petitioner, learned Standing Counsel appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent and perused the materials available on record.

3. The learned counsel appearing for the petitioner submitted that the fourth respondent is objecting to grant electricity connection to the petitioner.

4. The learned counsel appearing for the fourth respondent submitted that the fourth respondent has filed the second appeal and the same is pending before High Court.

5. It is seen from the records that the fourth respondent had filed a suit in O.S.No.3 of 2005, on the file of the District Munsif, Aranthangi for declaration and injunction and the said suit was dismissed. Aggrieved over the said judgment and decree, the fourth respondent filed the Appeal Suit in A.S.No.82 of 2017 before the Sub-Court, Aranthangi and the appeal was dismissed by confirming the judgment and decree of the trial Court. Against which, the fourth respondent filed the second appeal before this Court and the same is pending. The fourth



W.P.(MD)No.466 of 2021

WEB COPY

respondent cannot object to grant electricity connection endlessly, more so when there is concurrent judgments against him.

6. In view of the above, the petitioner is directed to submit an undertaking affidavit before the authorities that he will abide by the outcome of the second appeal and also file an indemnity bond. Based on the undertaking and the indemnity bond, the respondents 1 to 3 are directed to grant electricity connection to the petitioner. It is made clear that the connection is subject to the result of the second appeal. The electricity connection shall be granted within four weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is allowed in above terms. No cost. Consequently, connected miscellaneous petition is closed.

03.08.2023

Index : Yes / No
Internet : Yes

am



WEB COPY



W.P.(MD)No.466 of 2021

S.SRIMATHY, J

am

Order made in
W.P.(MD)No.466 of 2021

03.08.2023