



WA(MD)No.885 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.03.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

WA.(MD)No.885 of 2013
and MP No.1 of 2013

S.Alagesan

.. Appellant/ 5th respondent

Vs.

1.The Superintendent Engineer,
Tamil Nadu Electricity Board,
Nagercoil
Kanyakumari District.

2.The Junior Engineer,
Tamil Nadu Electricity Board,
Kaliyal
Kanyakumari District.

3.Selvi

4.Ganesan

5.R.Ganesan

.. Respondents

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 16.07.2013 passed in WP(MD) No.5672 of 2013.



WA(MD)No.885 of 2013

For Petitioner : Mr.B.Brijesh Kishore
For Respondents : Mr.S.Deenadayalan for R1 &
R2
Ms.J.Anandhavalli for R5
No appearance for R3

JUDGMENT

[Judgment of the Court was delivered by **R.SURESH KUMAR, J.**]

This writ appeal has been directed against the order passed by the learned Judge dated 16.07.2013 in WP(MD) No.5672/2013.

2.The writ petitioner, who is the private respondent herein, had sought for electricity service connection for his dwelling house at Sy.No. 931/1, Serumannur Desom, Kaliyal Village, Vilavancode Taluk, Kanyakumari District that was negated by the order of the TANGEDCO, in view of the objection given by the parties, who are the third party respondents before the writ Court, among the three, one has filed this writ appeal. Against the said order passed by the TANGEDCO refusing the plea of the writ petitioner to extend the domestic service connection, that writ petition was filed and disposed by the learned Judge through the impugned



WA(MD)No.885 of 2013

order dated 16.07.2013, where the learned Judge has held as follows:

WEB COPY

“4.The petitioner has only constructed the building in the property, though there are number of litigations pending, pending litigations will not be a prohibition for the respondent electricity board to give electricity connection. However, it is made clear that giving electricity connection will not confer any right over the property to the petitioner and the electricity connection will be subject to the result of the above proceedings. Therefore, this Court directs the respondent electricity board to give electricity connection to the petitioner as per the procedure and also taking indemnity bond from the petitioner, within a period of two weeks from the date of receipt of a copy of this order.”

3. The learned Judge has taken care of interest of both parties, as he has held that by giving a direction to the TANGEDCO to extend the electricity service connection to the writ petitioner, that will not confer any right on the writ petitioner with regard to the dispute arising in respect of the property, for which, electricity service connection had been given. Therefore, the interest of the private respondent, who is the appellant herein also has been protected by the learned Judge.



WA(MD)No.885 of 2013

4. Moreover, when this writ appeal is taken up for hearing, the learned standing counsel for the respondent Corporation has confirmed that pursuant to the order made by the learned Judge, the electricity service connection has been effected to the writ petitioner on 08.08.2013 and that has not so far been disturbed. When that being the position, the order passed has been implemented and that was an innocuous prayer that was allowed by the learned Judge by protecting the interest of both parties, this Court feels that the order does not warrant any interference. Accordingly, the writ appeal fails and the same is dismissed. No costs. Consequently connected miscellaneous petition is closed.

(R.S.K.,J.) (K.K.R.K.,J.)
13.03.2023

Index : Yes/No

Internet : Yes

RR

To

1.The Superintendent Engineer,
Tamil Nadu Electricity Board,
Nagercoil, Kanyakumari District.

2.The Junior Engineer,
Tamil Nadu Electricity Board,
Kaliyal, Kanyakumari District.



WEB COPY



WA(MD)No.885 of 2013

R.SURESH KUMAR,J.
and
K.K.RAMAKRISHNAN,J.

RR

WA.(MD)No.885 of 2013

13.03.2023