



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.1428 of 2021

V.Muruganantham

... Petitioner

VS.

1.The Assistant Engineer,
Maintenance and Distribute,
Perumalkovil Branch,
TANGEDCO, Pattukkottai,
Thanjavur District.

2.Ayyasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to provide an Electricity Connection to the petitioner's house Door No.141/1. Atrukarai Road, Kondikulam, Pattukkottai Taluk, Thanjavur District based on his application dated 25.09.2020.



For Petitioner : Mr.M.Ramu
For R-1 : Mr.S.Deenadhayalan
Standing Counsel
For R-2 : No appearance

ORDER

This writ petition has been filed for Mandamus, to direct the first respondent to provide Electricity Connection to the petitioner's house Door No. 141/1. Atrukarai Road, Kondikulam, Pattukkottai Taluk, Thanjavur District based on the petitioner's application dated 25.09.2020.

2. Heard Mr.M.Ramu, the Learned counsel appearing for the Petitioner and Mr.S.Deenadhayalan, the Learned Standing Counsel appearing for the 1st respondent and perused the material documents available on record.

3. The second respondent is brother of the petitioner. The petitioner has already filed another Writ Petition in W.P.(MD).No. 9451 of 2020. After considering the case, this court has held as under:



WEB COPY

.....

“The petitioner seeks restoration of the petition mentioned service connection. It is seen that the said connection stands in the name of the second respondent namely., Ayyasamy. The learned standing counsel further states that the connection is still alive. Therefore, the question of restoring the same does not arise. In any event, when the connection is standing in the name of the second respondent, it is not for the petitioner to seek any relief in respect of the same. If the petitioner wants any independent connection for himself, it is for him to apply separately”.

4. It is submitted that when the second respondent is already having a electricity connection, the petitioner is not entitled to service connection for the house. However, pending Writ Petition, it is seen that the said place was subdivided into two portions. The petitioner as well as the second respondent are residing in the same place. If the physical segregation is available, then the first respondent ought to consider the application as per Electricity Act, 2003.



WEB COPY

5. Therefore, the first respondent is directed to visit the spot and ascertain, whether physical segregation is available. If the petitioner is able to produce any document available with him, the same shall be produced before the authorities. Thereafter the first respondent is directed to consider the petitioner's application, in accordance with law and provide electricity connection. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. With these observations and directions, this Writ Petition is allowed. There shall be no order as to costs.

Index : Yes / No

24.08.2023

Internet : Yes

NCC : Yes / No

Sml/Ksa

To

The Assistant Engineer,
Maintenance and Distribute,
Perumalkovil Branch,
TANGEDCO, Pattukkottai,
Thanjavur District.



WEB COPY



S.SRIMATHY, J

Sml/Ksa

W.P.(MD)No.1428 of 2021

24.08.2023