



W.P(MD)No.4398 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4398 of 2022
and
W.M.P(MD)Nos.3707 & 3709 of 2022

G.Urudhamalai

... Petitioner

Vs

1.The Assistant Divisional Engineer,
TANGEDCO,
Thulukapatti,
Virudhunagar District.

2.The Assistant Engineer (Distribution),
TANGEDCO,
Thulukapatti,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned order of the second respondent in Ka.No. Vu Me Poo/V/Thu.Patti/Va Aa/Ko.Manu/A No.365/21, dated 20.12.2021 and quash the same as illegal and unconstitutional, consequently direct the respondents to provide electricity service connections for the shops situated on the first floor



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of the building belonged to the petitioner in Survey No.953/1A in Sankaralingapuram Village, Virudhunagar Taluk and District by processing the applications submitted by the petitioner vide application reference numbers 2000723312211657, 2000723312211658, 2000723312211659, 2000723312211660 and 2000723312211661 within the time frame without insisting pendency of any litigation.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.S.Dheenadhayalan
Standing Counsel

ORDER

Heard both sides.

2. The petitioner is occupying the petition mentioned premises in his capacity as owner. However, his claim is contested by a local organization. They had originally filed O.S.No.207 of 2004 on the file of District Munsif Court, Virudhunagar. It was a suit for declaration and permanent injunction. The suit was dismissed. A.S.No.44 of 2010 was filed on the Sub Court, Virudhunagar was also dismissed. The issue is presently pending before this Court in S.A(MD)No.687 of 2012. As on date, no interim order has been granted against the petitioner.



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3. In these circumstances, when the petitioner applied for electricity supply for his ground floor, the same was negated by TANGEDCO. Questioning the same, the petitioner filed W.P(MD)No.9395 of 2014. The Writ Petition was allowed on 14.02.2018. Pursuant to the direction given therein, electricity connection was given in respect of the ground floor. The petitioner thereafter applied for electricity service connection for the first floor. In the meanwhile, a fresh suit had been filed in O.S.No.107 of 2021 on the file of the Sub Court, Virudhunagar. Citing its pendency, the impugned rejection order came to be passed. Challenging the same, the present writ petition came to be filed.

4. As on date, no interim order has been obtained as against the petitioner in the pending suit. So therefore, for the very same reason which impelled this Court to allow W.P(WD)No.9395 of 2014, the order impugned in the writ petition is also quashed.

5. The petitioner's case will be considered by the respondents subject to fulfilment of the usual formalities. Pendency of the suit will not be cited as a reason. If there is no other impediment, electricity service connection shall be given to the premises as expeditiously as possible.



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6. This writ petition is allowed on these terms. There shall be no order

as to costs. Consequently, connected miscellaneous petitions are closed.

03.10.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The Assistant Divisional Engineer,
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2.The Assistant Engineer (Distribution),
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