



W.P.(MD).No.8876 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.8876 of 2020

and

W.M.P.(MD)No.8136 of 2020

Nisha Balakrishnan

... Petitioner

Vs.

1.The Assistant Engineer,
Distribution Section,
The Tamilnadu Generation and Distribution
Corporation Limited, (TANGEDCO),
Kuzhithurai, Kanyakumari District.

2.Mohan Raj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, to call for the records on the file of the 1st respondent pertaining to its order bearing Ka.No.2 Po/Pa/ Kuli/ Ko.Pugar/ A.No.681/2020, dated 16.06.2020 and the subsequent proceedings Ka.No. 2 Po/ Pa/ Kuli/ Ko.kattu/ A.No.771/2020, dated 07.07.2020 and to quash the same and consequently, to direct the 1st respondent to grant three phase electricity connection to the premises in Door No.45A Karaikattu



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Vilai, Maruthancode, Kanyakumari District, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh
For R1 : Mr.S.Deenadhayalan
For R2 : No appearance

ORDER

This writ petition is filed for writ of *Certiorarified Mandamus*, to quash the impugned order, dated 16.06.2020 of the 1st respondent and the subsequent proceedings, dated 07.07.2020 and consequently, to direct the 1st respondent to grant three phase electricity connection to the premises in Door No.45A Karaikattu Vilai, Maruthancode, Kanyakumari District, within a stipulated time that may be fixed by this Court.

2. The contention of the petitioner is that the disputed property was purchased through the amount given to the petitioner during her marriage. However, the said property was purchased in the name of her father-in-law namely Sankaran. The further contention of the petitioner is that the petitioner, petitioner's husband namely Balakrishnan, her father-in-law and her mother-in-law were residing in the said property. The petitioner's husband was leaving



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abroad. The said the Sankaran subsequently executed a settlement deed in favour of the petitioner and the petitioner's husband on 04.10.2004 registered under Document No.1708 of 2004. The settlement was in the name of petitioner's husband as well as the petitioner but the petitioner's father-in-law subsequently had cancelled the settlement deed unilaterally which the petitioner was not aware of. When the petitioner came to know about it, since it is a unilateral cancellation, the petitioner approached the Civil Court and challenged the same by way of filing suit and the same is pending.

3. In the meanwhile, the petitioner sought for three phase electricity connection to the first respondent. The second respondent has submitted objection letter to the first respondent for granting electricity to the petitioner. The petitioner's house is already having electricity connection but it is single phase connection. Now the petitioner is seeking only three phase electricity connection. Since already there is existing connection the second respondent is not having any right to object. The petitioner is only seeking to change the single phase connection to three phase connection. The objection of



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the second respondent at this stage is not proper.

4. Therefore the impugned orders are liable to be quashed and accordingly the impugned orders are quashed. The first respondent is directed to effect the three phase electricity connection to the petitioner's premises. However, the rights of the petitioner and the second respondent will be determined in the suit which has been filed by the petitioner. After the disposal of the suit, the first respondent shall take a call on the objection of the second respondent. Until then the petitioner is entitled to electricity connection. The three phase electricity connection shall be granted within a period of 4 weeks from the date of receipt of a copy of this order.

5. With the above said observation, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

05.09.2023
(2/2)

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

The Assistant Engineer,
Distribution Section,
The Tamilnadu Generation and Distribution
Corporation Limited, (TANGEDCO),
Kuzhithurai, Kanyakumari District.



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S.SRIMATHY, J.

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