



W.P(MD)No.15120 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.15120 of 2022

and

W.M.P(MD)No.10817 of 2022

P.Radha

... Petitioner

Vs.

1.Assistant Electrical Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Checkarurani Madurai District.

2.K.Uma Maheshwari

3.V.Usharani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in க.எண்.உபொ/ப/செக்கா/கோ.SC/அ.எண்.286/21 dated 20.09.2021 passed by the first respondent and quash the same, direct the first respondent to grant electricity connection to the petitioner.

For Petitioner : Mr.V.N.Arjun

For R1 : Mr.S.Deenadhayalan
Standing Counsel

For R2 and R3 : No appearance



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ORDER

The writ petition has been filed in the nature of certiorarified mandamus seeking interference with an order dated 20.09.2021 in க.எண்.உபா/ப/செக்கா/கோ.SC/அ.எண்.286/21, passed by the first respondent/Assistant Electrical Engineer, TANGEDCO, Chekkanoorani at Madurai District, and consequently to grant electricity connection to the petitioner herein.

2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner had purchased the lands measuring 30 cents in Survey No. 242 B / 3B at A.Kokkukulam Village, Chekkanoorani, Usilampatti Taluk, Madurai District, by a registered sale deed dated 15.04.2009 from Pitchiammal and her son Chellapandi. She could not immediately construct any house. The land was vacant. The survey number was subdivided as 242 B / 3B1 and separate patta was also issued to the petitioner herein. Thereafter, in the year 2020, the petitioner put up a house which was assessed to property tax. The petitioner sought electricity connection. It had been stated that the second and third respondents had objected for grant of electricity connection.



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3. It is stated that a suit had also been filed in O.S.No.280 /21. The petitioner has been arrayed as a first defendant. The suit had been filed for partition and separate possession. The vendors of the petitioner were second and third defendants. The third respondent herein was the fourth defendant. It is under those circumstances, the impugned order was passed, since the suit was pending.

4. Heard the learned counsel for the petitioner and learned counsel for the first respondent. Notice has been directed to the second and third respondents. At the first instance, notice was returned as insufficient address. Again notice was directed. Then it was again returned. It was then served on the lower Court counsel Mr.P.Selvakumar, who received a copy. It is thus seen that since steps have been taken to serve the second and third respondents, the name and address of the second and third respondents have also been printed in the cause list. They have taken a conscious decision not to appear before this Court.

5. A direction is issued that the petitioner should execute necessary indemnity bond that by seeking electricity connection she would not claim a larger relief in the suit. The title would be based only on the sale deed by which she had purchased the property. The first respondent may also insist on any



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undertaking if required from the petitioner herein. Thereafter, if the petitioner is otherwise eligible for grant of electricity connection, the first respondent may proceed to grant electricity connection, in the manner known to law. The entire exercise must be completed within a period of four weeks. It would also be advisable that the petitioner makes a fresh application which would indicate that the four weeks period would start from the date of the fresh application.

6. This writ petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

17.04.2023

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

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To

Assistant Electrical Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Checkarurani Madurai District.



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C.V.KARTHIKEYAN, J.

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