



W.P.(MD)No.17502 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17502 of 2021

K.Rajendran

... Petitioner

-VS-

1.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO), Karambakudi Taluk,
Pudukkottai District - 622 302.

2.B.Durairaj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to cancel the electricity service connection obtained by the second respondent for his property, situated at Karambakudi Village, Pudukkottai District, in Survey No.77.6 in Patta No.1323 by submitting forged Certificate, dated 05.07.2021, issued by the VAO, Karambakudi Village, based on the petitioner's representations, dated 23.07.2021, submitted in person and 06.09.2021 through registered post within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Sankar



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For R1 : Mr.S.Deenadhayalan
Standing Counsel

For R2 : Mr.S.Poornachandran

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent not to give any electricity service connection to the second respondent for the subject property, by considering the representations/objections made by the petitioner on 23.07.2021 and 06.09.2021.

2. Heard the learned counsel appearing on behalf of the petitioner, the learned Standing Counsel appearing on behalf of the first respondent and the learned counsel appearing on behalf of the second respondent.

3. The case of the petitioner is that he is the owner of the subject property and that the second respondent had illegally encroached upon the property by virtue of a forged and fabricated document. The second respondent was also taking steps to get electricity service connection. In view of the same, objections were given by the petitioner. Since the same were not considered, the present Writ Petition was filed before this Court.



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4. The second respondent has filed a counter affidavit and has taken a stand that the petitioner has suppressed the earlier civil suit filed in O.S.No.6 of 2019 before the Additional Sub Court, Pudukkottai. The second respondent has also further taken a stand that he is in possession and enjoyment of the property and he is entitled for electricity service connection even in his capacity as occupier of the property.

5. This Court does not want to go into the rival claims made by the petitioner and the second respondent. It will suffice if a direction is given to the first respondent to deal with the objections made by the petitioner, as and when any application is submitted by the second respondent for granting electricity service connection and take a decision strictly in accordance with law, if the electricity service connection has not already been given to the second respondent.

6. This Writ Petition is disposed of in the above terms. No costs.

NCC : Yes/No
Index : Yes/No
smn2

08.11.2023



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To

The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO), Karambakudi Taluk,
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N.ANAND VENKATESH, J.

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