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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.18467 of 2020

and

WMP(MD)No.1561 of 2021

P.Ganapathy

...

Petitioner

Vs.

1. The Executive Engineer,
TANGEDCO,
Usilampatti,
Theni District.

2. The Assistant Engineer (Distribution),
TANGEDCO,
Checkkanoorani,
Thirumangalam,
Madurai District.

3. P. Chellapandi

...

Respondents

[R-3 is impleaded as per Order of this Court, dated 03.02.2021]

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



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records on the file of the 2nd respondent in Ka.No.U.Po/Pa/Check/ko.Kattu/A.No. 078/20 dated 07.12.2020 and quash the same and consequently directing the respondents not to disconnect the electricity service connection No.176-003-774 of his shop located in Madurai-Theni Main Road (Near Checkkanoorani Police Station), Checkkanoorani Village, Thirumangalam Taluk, Madurai District.

[Prayer is amended as per Order of this Court, dated 05.09.2023]

For Petitioner : Mr.K.Guhan

For Respondents : Mr.S.Deenadhayan,
Standing Counsel, for R-1 & R-2

No appearance for R-3

ORDER

This writ petition is filed to quash the impugned order, dated 07.12.2020 with a consequential direction to the respondents to disconnect the Electricity Service Connection No.176-003-774.

2. Heard Mr.K.Guhan, the Learned counsel appearing for the Petitioner, Mr.S.Deenadhayan, the Learned Standing counsel appearing for the respondents 1 & 2 and perused the material documents available on record.



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3. The Learned Standing Counsel appearing for the respondents submitted that there is an objection from one Rajasekaran and Chellappandi, dated 10.12.2020 and 16.12.2020. The objections of the said Rajasekaran and Chellappandi is that the petitioner has encroached Oodai Poramboke and as on date the appropriate authorities have not issued any notice to vacate the petitioner from Oodai Poramboke.

4. However, the petitioner is claiming his right. Hence, by taking all these facts into consideration, the impugned order, dated 07.12.2020 is hereby quashed. The petitioner is directed to file an undertaking affidavit to the respondents or to execute indemnity bond as per Regulation 27(12) of Tamil Nadu Electricity Distribution Code 2004, within a period of two weeks from the date of receipt of a copy of the order. The respondents shall allow the petitioner to continue to avail the electricity service connection.



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5. With these observations and directions, this writ petition is allowed. No Costs. Consequently, connected miscellaneous petition is allowed.

05.09.2023

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

1. The Executive Engineer,
TANGEDCO,
Usilampatti,
Theni District.
2. The Assistant Engineer (Distribution),
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Madurai District.



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S.SRIMATHY, J.

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W.P.(MD)No.18467 of 2020

05.09.2023