



W.P.(MD)No.19759 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.19759 of 2014

and

M.P.(MD).No.1 of 2014

K.Thangaraj

... Petitioner

Vs.

1.The Chief Engineer (Distribution),
Tamilnadu Generation and Distribution
Corporation Limited,
Madurai Division,
K.Pudur, Madurai-7

2.The Assistant Engineer (Distribution),
Tamilnadu Generation and Distribution
Corporation Limited,
Usilampatty, Madurai District.

3.The Tahsildar,
Usilampatti Taluk,
Madurai District.

... Respondents

***(R3 is suo motu impleaded vide Court order dated 20.12.2022 in W.P.
(MD).No.19759 of 2014)***



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to restore electricity to the Service Connection No.179-001-1200 standing in the petitioner's name at U.Vadipatty Village, Uthappanaickanur Post, Usilampatty Taluk, Madurai District.

For Petitioner :Mr.D.Malaichamy

For Respondents :Mr.S.Deenadhayalan
Standing Counsel for R1 & R2

:Mrs.D.Farjana Ghoushia
Special Government Pleader for R3

ORDER

The writ petition has been filed seeking for a mandamus directing the respondents to restore electricity to the Service Connection No. 179-001-1200 standing in the petitioner's name at U.Vadipatty Village, Uthappanaickanur Post, Usilampatty Taluk, Madurai District.



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2. When the matter was taken up, it was brought to the notice of this Court that there is a dispute as regards to the positioning of the bore well. This Court, by order dated 20.12.2022, had directed the Tahsildar, Usilampatti to conduct a survey and file a report. Pursuant to the said direction, a report has been filed by the Tahsildar, Usilampatti on 19.01.2023. As per the said report, it has been categorically stated that the Bore-Well is situated in the land belonging to Arulmighu Mallathaiamman Temple and also the service connection that has been disconnected is also in the temple land. In view of the report, I do not find any infirmity in the order passed by the respondents.

3. However, the learned counsel for the petitioner would submit that his request can be considered, if he produces a no objection certificate from the temple authorities.

4. In view of the statment, if the petitioner produces a no objection certificate from the temple authorities, the respondents shall consider his request and pass appropriate orders on merits and in accordance



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with law. In fine, this writ petition is dismissed, however, with the liberty
aforementioned. There shall be no order as to costs. Consequently,
connected miscellaneous petition is closed.

02.02.2023

Index : Yes / No
Speaking Order/Non Speaking Order
sbn

To

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K.KUMARESH BABU, J.

sbn

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