



W.P(MD)No.22623 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22623 of 2022

Bivin Oral,
Through his Power Agent,
G.Justin Thambi.

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiyagaraja Nagar,
Tirunelveli.

2.The Executive Engineer,
Tamil Nadu Electricity Board,
Kokirakulam,
Tirunelveli District.

3.The Assistant Executive Engineer (Distribution),
Tamil Nadu Electricity Board,
Reddiarpatti,
Tirunelveli District.

4.Golden Educational Trust,
Represented by its Secretary,
M.Sivakami.

... Respondents

*(R4 is impleaded vide order dated 29.11.2022
in W.M.P.(MD)No.19266 of 2022 in
W.P.(MD)No.22623 of 2022 by GRSJ)*



W.P(MD)No.22623 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to give Electricity connection to the petitioner's son property in S.No.794/1A, Ponnakudi Village, Palayamkottai Taluk, Tirunelveli District based on petitioner's online application dated 30.05.2022.

For Petitioner : Mr.V.M.Jegadeeshapandian

For Respondents : Mr.S.Deendhayalan,
Standing Counsel for R1 to R3.
Mr.M.S.Sureshkumar for R4.

ORDER

Heard both sides.

2.The writ petitioner seeks electricity service connection for S.No.794/1A, Tharuvai Village in Palayamkottai Taluk. Patta stands in the name of the petitioner.

3.However as pointed out by the learned counsel for the impleaded respondent, the application as well as the writ prayer have been wrongly worded. If an application is defective, it has to be returned or rejected.



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That will not come in the way of the applicant from submitting him a fresh application. It is open to the petitioner to submit a fresh application containing proper particulars. As and when, it is received, TANGEDCO is directed to deal with the same in terms of the Section 43 of the Electricity Act, 2003.

4.It is seen that serious objection has been raised by the fourth respondent. The fourth respondent is questioning the petitioner's title. The fourth respondent has filed an appeal before the jurisdictional Revenue Divisional Officer for cancelling the petitioner's patta. Civil proceedings are pending between the petitioner on the one hand and the fourth respondent on the other.

5.As on date, no definite declaration has been granted in favour of the fourth respondent. Admittedly, the revenue record is in favour of the petitioner. Therefore, TANGEDCO will have to disregard the objection of the fourth respondent for the present.



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6.I make it clear that grant of electricity service connection in favour of the petitioner will not in any way strengthen the hands of the petitioner in the pending proceedings. They will have to be contested independently and on their own merits and in accordance with law. In any event of the fourth respondent succeeding in the civil or patta proceedings, the TANGEDCO will have to effect disconnection thereafter.

7.With this liberty to the petitioner to file a fresh application containing correct particulars and direction to TANGEDCO to dispose of the same as per Section 43 of the Electricity Act, 2003 and further direction to TANGEDCO to effect disconnection in the event of the fourth respondent succeeding in the pending proceedings, this writ petition is disposed of. No costs.

02.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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