



W.P.(MD)No.10194 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :14.03.2023

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.10194 of 2016

J.John Peter

... Petitioner

Vs.

1.The Executive Engineer (South)
Tamil Nadu Generation and Distribution
Corporation Ltd.,
(TANGEDCO), Dindigul,
Dindigul District.

2.The Assistant Engineer (South)
Tamil Nadu Generation and Distribution
Corporation Ltd.,
(TANGEDCO), Sempatti,
Dindigul District.

3.The Accounts Officer,
Revenue Department (South)
Tamil Nadu Generation and Distribution
Corporation Ltd.,
(TANGEDCO) Dindigul,
Dindigul District.

4.J.Louis Anitha Mary

... Respondents



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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 1 to 3 herein to include the petitioner's name in the above said Electricity Service Connection No.234-013-185 situated at Old Survey No.295/5, New Survey No.292/5A1 of Sinthalagundu Village, Dindigul District without insisting to get consent letter from the 4th respondent within the time stipulated by this Court.

For Petitioner :Mr.J.Lawrance

For Respondents :Mr.S.Deenadhayalan for R1 to R3

:No appearance for R4

ORDER

The petitioner seeks the inclusion of his name in electricity service connection No.234-013-185 at old Survey No.295/5, new Survey No.292/5A1 of Sinthalagundu Village, Dindigul District, without insisting on a consent letter from the fourth respondent.

2. By placing reliance on the sale deed dated 16.04.2010, the certificate dated 11.03.2015 of the Village Administrative Officer and the joint patta issued on 03.03.2016 in favour of the petitioner and the fourth respondent herein, learned counsel submits that the petitioner is entitled to



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the relief claimed.

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3. On instructions, learned Standing Counsel for the respondents 1 to 3 submits that the request of the petitioner would be duly considered, if all relevant documents are placed before the authority.

4. In spite of service of notice, there is no representation for the fourth respondent.

5. Although a positive direction has been prayed for by the petitioner, in proceedings of this nature, it is neither appropriate nor advisable to issue such positive directions. However, the petitioner placed on record the sale deed in his favour in respect of the property bearing Survey No.292/5, the certificate dated 11.03.2015 of the Village Administrative Officer recognizing the joint title of the petitioner and the fourth respondent and the joint patta in respect of Survey No.292/5A2 in favour of the petitioner and the fourth respondent. Therefore, it is just and necessary that the second respondent considers the above documents,



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provides a reasonable opportunity to the petitioner and the fourth respondent and, thereafter, takes a decision in the matter.

6. Accordingly, W.P.(MD).No.10194 of 2016 is disposed of by directing the second respondent to conduct an enquiry on the basis of the representation of the petitioner dated 19.04.2016, provide a reasonable opportunity to the petitioner and the fourth respondent and issue a reasoned order. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

14.03.2023

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



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SENTHILKUMAR RAMAMOORTHY, J.

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