



W.P(MD)No.24005 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24005 of 2023

and

W.M.P(MD)No.20158 of 2023

Pryme Promoters,
Represented by its Partner,
M.Zaid Omar,
425, 9th Main Road,
K.K.Nagar, Madurai.

... Petitioner

Vs.

- 1.The Superintending Engineer,
TANGEDCO,
Madurai Electricity Distribution Circle /
Madurai,
Industrial Estate, K.Pudur,
Madurai – 625 007.
- 2.The Executive Engineer,
TANGEDCO,
Madurai Electricity Distribution / North / Metro,
K.Pudur,
Madurai – 625 007.



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3.The Assistant Executive Engineer,
Office of the Assitant Executive Engineer,
TANGEDCO,
Madurai Electricity Distribution Circle,
Thamukkam,
Madurai – 2.

4.The Assistant Engineer,
Office of the Assistant Engineer,
TANGEDCO,
Madurai Electricity Distribution Circle,
K.Pudur, Opp. to Govt I.T.I,
Madurai – 7.

5.Mohamed Thanvir Nowzad

6.Asifa Rizwana Beevi

7.Mohammed Suliha Beevi

8.Mohammed Ehia
***(R.5 to R.8 were impleaded vide
order of this Court dated 06.10.2023)***

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to provide the electricity service connection along with transformer to the residential apartments viz., Pryme Ark situate at S.No. 5/6A2, 5/6A3, 5/6A4, Parayathikulam Village, Maduai North Taluk, Madurai District in conformity with the provisions of Section 43 of the Electricity Act, 2003 within the period that may be stipulated by this Court.



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For Petitioner : Mr.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.S.Dheenadhayalan
Standing Counsel for R.1 & R.4

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Standing Counsel appearing for TANGEDCO.

2. The writ petitioner is a real estate developer. They had entered into joint venture agreement with certain individuals and promoted the petition mentioned land. They constructed an apartment complex after obtaining approvals from all the statutory authorities. Completion certificate was issued by the Corporation on 17.05.2023. The petitioner applied to TANGEDCO for being provided with electricity service connection on 18.08.2023. When TANGEDCO was taking steps to comply with the petitioner's request, they received objection from the private respondents herein. The private respondents herein had issued legal notice through their counsel. In these circumstances, the present writ petition came to be filed.



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3. When the matter was taken up for hearing, I felt that any order in favour of the petitioner can be passed only after putting the objectors on notice. The objectors were *suo motu* impleaded by this Court. On 07.10.2023 the counsel on record for the petitioner has sent private notices to the objectors. The track consignment report contains contradictory remarks. I am satisfied that the petitioner has shown their *bona fides*.

4. Be that as it may, the learned Senior Counsel states that the electric poles will be erected only on the land belonging to the petitioner. In other words, it will not come up on any disputed area. It is stated categorically by the petitioner that the rights of the private respondents will not be affected in any way by grant of electricity service connection to the petitioner. In fact, the Assistant Executive Engineer, TANGEDCO, Madurai Electricity Distribution Circle had already written to the second respondent in this regard. TANGEDCO appears to be satisfied that there is no merit in the objections raised by the private respondents. The private respondents have also not come before this Court by filing any



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writ petition. In these circumstances, the statutory mandate set out in Section 43 of the Electricity Act, 2003 has to be complied with in letter and spirit. TANGEDCO is directed to provide electricity service connection along with transformer to the petition mentioned residential apartments as expeditiously as possible.

5. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 13.10.2023.

To

1.The Superintending Engineer,
TANGEDCO,
Madurai Electricity Distribution Circle /
Madurai,
Industrial Estate, K.Pudur,
Madurai – 625 007.



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G.R.SWAMINATHAN, J.

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2.The Executive Engineer,
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Madurai – 625 007.

3.The Assistant Executive Engineer,
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