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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.02.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.5115 of 2024

P.Waseem Akram

... Petitioner

Vs

1.The Executive Engineer
TANGEDCO
Alangayam Road,
Perumalpet,
Vaniyambadi – 635 751
Thiruppathur District

2.The Assistant Divisional Engineer (Rural)
TANGEDCO
Alangayam Road,
Perumalpet
Vaniyambadi – 635 751
Thiruppathur District

3.The Designated Engineer
AE/O & M/Udeyendram
TANGEDCO
Thimmampettai Road – Jafarabad
Vaniyambadi – 635 754
Tiruppathur District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to effect electricity connection forthwith to petitioner's house comprised at Plot No.56,



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Survey No.22/2 Jafarabad, Vaniyambadi Taluk and consequently penalize the respondents under Section 43(3) of the Electricity Act 2003.

For Petitioner : Mr.B.Ram Prasath
For Respondents : Mr.S.Madhusudanan
Standing Counsel

ORDER

Mr.S.Madhusudanan, learned Standing Counsel accepts notice for the respondents and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. This Writ Petition is not maintainable as W.P.No.825 of 2024 had been filed by the same petitioner seeking very same prayer. The prayer in the earlier Writ Petition sought a mandamus directing the respondents to process application bearing No. No.2000842712231436 and grant electricity connection to the property at Plot No.56, Survey No. 22/2 Jafarabad Village, Vaniyambadi Taluk.

3. The aforesaid Writ Petition came to be disposed on 12.01.2024 by way of the following order:

Mr.Madhusudanan, learned Standing Counsel accepts notice for the respondents and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission. 2. The petitioner seeks a mandamus directing the second respondent, being the Designated Engineer, AE/O&M/Udeyendram, Thimmampettai Road- Jafarabad,



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Vaniyambadi, Tirupathur District to decide his application bearing No.2000842712231436 for grant of electricity connection to his house at Plot No.56, Survey No. 22/2 Jafarabad Village, Vaniyambadi Taluk.

3. Mr.Madhusudanan, learned Standing Counsel for the respondents has instructions to state that the owner of the property is a Mosque, to which submission learned counsel for the petitioner would vehemently object, stating that the registered copy of the document along with other supporting documents in his possession, would conclusively establish that the property stands in the name of the petitioner.

4. In such an event, it is for the authorities to consider the said documents and take a proper view in the matter. Seeing as the petitioner has filed an application for the grant of electricity connection on 04.12.2023, let notice be issued to the petitioner, the petitioner heard on the application, documents, if any, produced by him considered, and an order on merits and in accordance with law and all applicable Rules and Regulations be passed, within a period of six (6) weeks from today.

5. This Writ Petition is disposed as above. No costs.

4. Mr.Madhusudanan would state that pursuant to the aforesaid order, R3, the Designated Engineer has disposed the application seeking service connection on 12.02.2024, adverse to the petitioner.

5. Hence, if at all the petitioner is aggrieved, he ought to have challenged that order, in spite of which the petitioner has once again sought a mandamus with the same prayer, adding further that the Court must penalise the respondents under Section 43(3) of the Electricity Act 2003 for violation of Section 43(1) of the Electricity Act.



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6. In light of the aforesaid, this Writ Petition is dismissed granting liberty to the petitioner to challenge order dated 12.02.2024 in accordance with law.

No costs.

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Index : Yes / No

Speaking order

Neutral citations: Yes

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