



WEB COPY



W.P.No.5389 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2024

**CORAM :
THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

**W.P.No.5389 of 2024
and
W.M.P.No. 5927 of 2024**

K.Anandan

.. Petitioner

VS

1.The Chairman cum Managing Director,
TANGEDCO, 10th Floor, NPKRR Maligai,
No.144, Anna Salai, Chennai – 02.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
East Shanmugapuram Colony,
Villupuram – 605 602.

3.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
East Shanmugapuram Colony,
Villupuram – 605 602.

4.The Assistant Executive Engineer,
Operation & Maintenance
Tamil Nadu Generation and Distribution Corporation Ltd.,
Vikravandi, Villupuram District.

5.Mr.Jothi
The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Panayapuram, Vikravandi Taluk,
Villupuram District.

.. Respondents



W.P.No.5389 of 2024

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to grant Electric Service Connection for 5 HP motor pump set to the petitioner for drawing water for the purpose of irrigation from the Bore Well in Survey No.270/22A1 situated at V.Bagandai Village, Vikravandi Taluk, Villupuram District in pursuance to the order passed by the Villupuram Distribution Circle Consumer Redressal Forum dated 15.12.2023 made in Petition No.58/23 and the representation of the petitioner dated 08.02.2024.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.Enock Anand
for Mr.Venkata Seshaya
Standing Counsel

ORDER

The petitioner has sought a mandamus directing the respondents to grant electricity service connection for 5 H.P. motor pump set for a Bore Well in S.No.270/22A1 (premises/premises in question) at V.Bagandai Village, Vikravandi Taluk, Villupuram District.

2.Inter alia, the petitioner refers to an order passed by the Villupuram Distribution Circle Consumer Redressal Forum dated 15.12.2023 in Petition No.58 of 2023. He also states that he has made a representation on 08.02.2024 to the respondents for this purpose.



W.P.No.5389 of 2024

3.Mr.Enock Anand, learned counsel for Mr.Venkata Seshaya,

learned Standing Counsel, who accepts notice for the respondents, files a

memo dated 04.03.2024 to following effect:

'1. It is submitted that the above captioned writ petition is filed by the Petitioner for the following prayer:

“to issue writ of mandamus directing the respondents to grant Electric Service connection for 5 HP motor pump set to the Petitioner for drawing water for the purpose of irrigation from the Bore Well in Survey no.270/22A1 situated t V.Bagandai Village, Vikravandi Takuk, Villupuram District in pursuance to the order passed by the Villupuram Distribution Circle Consumer Redressal Forum dated 15.12.2023 made in Petition No.58/23 and the representation dated 08.02.2024.

2. It is submitted that pursuant to the Hon'ble Consumer Forum Order dated 15.12.2023, which was received by the TANGEDCO on 18.01.2024. The Respondents had immediately taken following steps to implement the above said Order of the Hon'ble Consumer Forum:-

I. On 29.02.2024 the Respondent had initiated work to place the electricity pole on the Petitioner's Land but on the same day objections were received from Mr.Aranganathan and Mr.Ashok s/o. Paramasivam and the said objectors had also created troublesome to the Respondents in performing their duty. Therefore, the Respondents approached the local police station for protection.

II. Thereafter, with the help of police protection the Respondents managed to place the 8 meter electricity pole on the Petitioner's land however despite police protection the Respondents could not able to proceed further due to the objectors troublesome.



WEB COPY



W.P.No.5389 of 2024

III. On 29.01.2024 the objectors had appeared before the Respondents office and submitted the letter of objection and the same was sent through the registered post on 03.02.2024.

IV. On 05.02.2024, the 5th Respondent had inspected the Petitioner land to see alternative route to give electricity connection to the Petitioner's land but since the Petitioner's land is in the middle of the objectors land the 5th Respondent found that without passing the objectors land it is not possible to provide electricity connection to the Petitioner's land.

V. On 06.02.2024, the 5th Respondent received a phone call from the Petitioner stating that the pole which was placed by the Respondents was pulled down by the objector's person. Immediately the Respondent inspected the place and found that the pole was broken hence the Respondents has filed a police complaint dated 06.02.2024 vide CSR-210/2024.

VI. On 01.03.2024, the 5th Respondent received legal notice from one of the objector wherein he has stated that the objectors has filed a Civil Suit for Partition in O.S.No.46 of 2024 before the Hon'ble I Assistant Sub-Court, Villupuram for same subject matter land in this Writ Petition.

3. It is submitted that this memo is filed based on the instructions received from the official 5th Respondent.'

4.A decision in the petitioner's request for grant of electricity

connection will require assimilation and application of mind to various disputed facts. That apart, the private respondents who have been named in the respondents' memo have also not been arrayed as respondents in the writ petition. It appears based on the respondents counsel



W.P.No.5389 of 2024

submissions that Paramasivam is none other than the petitioner's brother and there is a suit for partition, which is pending before the Civil Court inter se the parties.

5.In light of the aforesaid narration, it would suffice to issue mandamus to the Executive Engineer, TANGEDCO, Villupuram/R3 to hear the petitioner as well as the private parties named in the memo, who have made an objection in regard to the grant of electricity connection and thereafter take a decision on the petitioner's representation dated 08.02.2024 strictly in accordance with law and applicable rules and regulations within a period of four (4) weeks from date of receipt of a copy of this order.

6.That apart, let the police complaint filed on 06.02.2024 as against the third parties also be pursued seriously by the respondents. Seeing as the FIR relates to destruction of public property, let a status report be filed within a period of four (4) weeks thereafter.

7.This writ petition is disposed. No costs. Connected miscellaneous petition is closed.

04.03.2024

Index:Yes/No
Speaking Order
Neutral Citation:Yes
vs



W.P.No.5389 of 2024

WEB COPY To

- 1.The Chairman cum Managing Director,
TANGEDCO, 10th Floor, NPKRR Maligai,
No.144, Anna Salai, Chennai – 02.
- 2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
East Shanmugapuram Colony,
Villupuram – 605 602.
- 3.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
East Shanmugapuram Colony,
Villupuram – 605 602.
- 4.The Assistant Executive Engineer,
Operation & Maintenance
Tamil Nadu Generation and Distribution Corporation Ltd.,
Vikravandi, Villupuram District.
- 5.Mr.Jothi
The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Panayapuram, Vikravandi Taluk,
Villupuram District.



WEB COPY



W.P.No.5389 of 2024

DR.ANITA SUMANTH,J.

VS

W.P.No.5389 of 2024 and
WMP.No.5927 of 2024

04.03.2024