



WEB COPY



W.P. No.18497 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2024

CORAM:

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P. No.18497 of 2020

K. Palanisamy

.... Petitioner

vs.

1. The Executive Engineer,
TANGEDCO,
Mettupalayam.

2. The Assistant Engineer,
Tamil Nadu Generation &
Distribution Corporation Ltd.,
CEDC / North,
Kariyampalayam – 641 653.

3. M/s.Euro Cast Engineering
Rep. by its Managing Partnership
K. Vidyaprakash,
No.7, Co-operative Colony,
Uppilipalayam,
Coimbatore – 641 015.

4. Vidyaprakash

5. K. Balakumar

6. R. Vanaja

.... Respondents

Prayer : Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Certiorarified Mandamus calling for the records relating



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to the impugned letter No.E Mi/Po/Kariya/Ko/Pothu VI 149/2021, dt. 19.10.2020 on the file of the 2nd respondent herein, quash the same and consequently direct the respondents 1 & 2 herein to process the petitioner's application No.151 09 18 368 TF-VI, 054/19-20 and grant Electricity Service Connection to his lands in S.F. No.576/1A (576/1A1) situated at Karagoundenpalayam Village, Annur Taluk, Tiruppur District.

For Petitioner : Mr.K. Govi Ganesan

For Respondents 1 &2 : Mr.L. Jaivenkatesh
Standing Counsel

For Respondent 3 to 6 Mr.S. Thangavel

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 19.10.2020 thereby directed the petitioner to obtain No Objection Certificate from the respondents 3 to 6 for providing electricity service connection for the land comprised in S.F. No.576/1A (576/1A1) situated at Karagoundenpalayam Village, Annur Taluk, Tiruppur District.

2. The petitioner is the owner of the land ad-measuring 0.50 acres in S.F.No.576/1A (576/1A1) situated at Karegoundenpalayam Village, Avinashi Taluk, Tiruppur District together with 0.09 1/2 cents out of



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0.19 1/4 cents in S.F.No.576/1A (576/1A1, 576/1A2, 576/1A3 and 576/1B towards pathway purchased by registered sale deed dated 13.04.2006 vide document No.1967/2006 he had also paid the stamp duty for the right of pathway. Likewise, the respondents 3 to 6 also having right over the pathway breadth of the Cart-track measures 23 feet. While being so, the petitioner applied for electricity service connection for his land. On receipt of the said application, the estimate was arrived at Rs.2,89,590/- and the approval was sanctioned by the 1st respondent and thereby directed the petitioner to remit a sum of Rs.96,710/- and the same was duly remitted on 03.12.2019 by the petitioner. While being so, the respondents 3 to 6 had objected for providing electricity service connection and also filed suit in O.S.No.13 of 2020 on the file of the V Additional District Munsif Court, Coimbatore for permanent injunction restraining the respondents 1 and 2 from laying Electricity Poles on the common pathway provided for them and to the petitioner. They also filed interim application for injunction and they were granted interim injunction. However, the petitioner name was exonerated by the Civil Court. In view of the above suit, the 2nd respondent directed the petitioner to obtain No Objection Certificate from the respondents 3 to 6 for providing electricity service connection.



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WEB COPY 3. On perusal of the order passed by the Civil Court dated 04.11.2020 in I.A.No.04 of 2020 in I.A.No.05 of 2020 in O.S.No.13 of 2020 on the file of the Principal District Munsif Court, Coimbatore directed the respondents 1 and 2 to hear the objection raised by the respondents 3 to 6 and thereafter to inspect the property and to file a report as to whether electricity can be erected in the petitioner's property or not and further directed that till the filing of the said report the interim order of injunction extended till the disposal of the main suit.

4. In view of the above, the 1st and 2nd respondents are directed to consider the application submitted by the petitioner seeking electricity service connection for his property and to provide electricity service connection subject to the result of the civil suit in O.S.No.13 of 2020. Further, the Principal District Munsif Court, Coimbatore is directed to dispose the suit in O.S.No.13 of 2020 on the basis of the reports received from the TANGEDCO i.e., defendants 1 to 3 therein within a period of three months from the date of receipt of copy of this order.



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WEB COPY 5. With the above direction, this writ petition is disposed of. No costs.

10.04.2024
(¹/₂)

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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G.K. ILANTHIRAIYAN, J.

gvn

To

1. The Executive Engineer,
TANGEDCO,
Mettupalayam.

2. The Assistant Engineer,
Tamil Nadu Generation &
Distribution Corporation Ltd.,
CEDC / North,
Kariyampalayam – 641 653.

3. The Principal District Munsif Court,
Coimbatore.

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(1/2)