



WEB COPY



W.P.No.33274 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.33274 of 2024

S.P.Sankar

..... Petitioner

Vs.

1.Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
Rep. by its Chairman and Manager Director,
No.144, Anna Salai, Chennai – 600 002.

2.The Superintending Engineer,
TANGEDCO,
Panruti, Cuddalore District.

..... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records of the impugned cancellation of the 1st respondent dated 27.02.2024 of Application No.20002035022452 and quash the same and consequently direct the respondents to grant temporary service connection to the petitioner's residential area plot No.19, Survey No.103/30, Periyar Nagar, Lakshminarayanapuram, Panruti Cuddalore District.

1/6



WEB COPY



W.P.No.33274 of 2024

For Petitioners : Mr.M.Kulandaivelu

For Respondents :Mr.L.Jaivenkatesh
SC for TNEB

ORDER

This writ petition is filed challenging the order passed by the first respondent cancelling the application filed by the petitioner in Application No.20002035022452, seeking temporary service connection to the petitioner's residential area Plot No.19, Survey No.103/30, Periyar Nagar, Lakshminarayanapuram, Panruti Cuddalore District.

2. It is the case of the petitioner that above mentioned property was purchased by him under registered sale deed dated 19.06.1996 and from the date of purchase, he has been in possession and enjoyment of the property. Subsequent, the revenue document also mutated in favour of the petitioner and patta was issued in patta No.2984. In this circumstances, one Perumal and others attempted to interfere with the petitioner's right over the subject property by claiming title over the same. Hence, the petitioner was constrained to file a suit for bare injunction in O.S.No.154 of 2014 on the



W.P.No.33274 of 2024

file of the District Munsif, Panruti and the same is pending. Since the petitioner wanted to construct house in subject property, he put up thatched house and applied for temporary connection by submitting an application on 27.02.2024. However, the first respondent by impugned order cancelled the application submitted by the petitioner on the ground that there was a legal dispute pending with regard to the subject property. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner by taking this Court to the plaint in the suit filed by the petitioner submits that the suit filed by the petitioner is only for bare injunction restraining the defendant therein from interfering with the petitioner's peaceful possession of the subject property and petitioner has got registered document and revenue document in his favour to establish his title over the suit property. Therefore, he submitted that in such circumstances, the first respondent is not justified in rejecting the application of the petitioner.

4. The learned counsel appearing for the respondents on



W.P.No.33274 of 2024

instructions would submit that if the petitioner is prepared to execute necessary Indemnity Bond, based on the same, the petitioner's request for temporary service connection will be considered. The said statement made by the learned counsel for the respondent is recorded.

5. In view of the fact that the application already filed by the petitioner seeking temporary connection was cancelled, the learned counsel for the petitioner submits that his client is willing to submit fresh application for temporary connection along with Indemnity Bond.

6. In view of the same, the petitioner is directed to file fresh application for temporary service connection along with Indemnity Bond within a period of two weeks from the date of receipt of copy of this order. The second respondent is directed to issue necessary instruction to the Jurisdictional Assistant Engineer to consider the application of the petitioner in the light of the Indemnity Bond submitted by him and pass final orders on merits within a period of six weeks from the date of filing of fresh application.



WEB COPY



W.P.No.33274 of 2024

7. Accordingly, this writ petition is disposed of. No costs.

19.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
ub

To

1. Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
Rep. by its Chairman and Manager Director,
No.144, Anna Salai, Chennai – 600 002.

2. The Superintending Engineer,
TANGEDCO,
Panruti, Cuddalore District.



WEB COPY



W.P.No.33274 of 2024

S.SOUNTHAR, J.

ub

W.P.No.33274 of 2024

19.11.2024