



W.P(MD)No.3797 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3797 of 2024
and
W.M.P(MD)No.3696 of 2024

N.Yogambal

... Petitioner

Vs.

- 1.The Executive Engineer,
(Operation and Maintenance),
TANGEDCO,
East Trichy,
Trichy District.
- 2.The Assistant Executive Engineer,
(Operation and Maintenance),
TANGEDCO,
Thiruverumbur,
Trichy District.
- 3.The Junior Engineer,
(Operation and Maintenance),
TANGEDCO,
Ariyamangalam,
Trichy District.
- 4.R.Sasikumar



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5.Valarmathy
6.Jothipriya
7.Anupriyanga

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order issued by the second respondent herein in Letter No. Uh.Se.Po/E&Ka/Thiru/Ko. W.P.(MD). 19196/2021/A.No.45/23-24/ dated 29.01.2024 and quash the same as illegal and further restore petitioner's Electricity Power Supply Connection in 06-230-002-1813 by changing the tariff connection of Temporary Connection to Domestic Connection tariff 1(A).

For Petitioner : Mr.K.P.Krishna Doss

For Respondents : Mr.S.Deenadhayalan
Standing Counsel for R.1 to R.3

Mr.B.Jameel Arasu for R.5 to R.7

No Appearance for R.4

ORDER

Heard both sides.

2.The question is whether the petitioner is entitled to electricity service connection for the petition mentioned premises. It is beyond



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dispute that the petitioner and the fifth respondent are locked in civil litigation. The fifth respondent had filed W.P(MD)No.19908 of 2017 for directing TANGEDCO to consider her objections as regards grant of service connection in favour of the petitioner herein. The writ petition was disposed of on 30.10.2017 in the following terms:

“8. Considering the facts and circumstances of the case, this Court directs the respondents 1 to 3 to consider the objections raised by the petitioner in letter dated 12.10.2017 and thereafter, pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the fifth respondent and all other interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order. In the meanwhile, the respondents 1 to 3 are directed to maintain status quo, if the electricity connection has not been granted so far.”

K.Valarmathi filed Cont.P(MD)No.68 of 2019 alleging that the order of this Court to maintain status quo was breached by TANGEDCO authorities. When the Contempt Petition came up before me, TANGEDCO conceded that they had erroneously granted service connection to Yogambal and that they would effect disconnection.



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Recording the same, the contempt petition was closed. In fact, pursuant to the undertaken given before this Court, disconnection was done. Challenging the disconnection and seeking restoration, the present writ petition came to be filed.

3.It is true that Yogambal was not a party to Cont.P(MD)No.68 of 2019 even though she was very much a party to W.P(MD)No.19908 of 2017. When this Court had specifically mandated that Valarmathi should be given opportunity of hearing, TANGEDCO could not have given connection to Yogambal without doing so. TANGEDCO was called upon to pass an appropriate order on the objections of Valarmathi. No such order was passed. That is why when Contempt Petition was filed by Valarmathy, TANGEDCO frankly conceded and proceeded to effect disconnection. Therefore, the order impugned in this writ petition does not warrant interference.

4.At the same time, the petitioner deserves to be given relief. My attention is drawn to the order dated 13.04.2018 made in I.A.No.234 of 2018 in O.S.No.229 of 218 on the file of Principal District Munsif Court,



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Tiruchirapalli. The said IA was filed by Valarmathi. Valarmathi wanted to restrain TANGEDCO from giving electricity connection in favour of the petitioner. IA was dismissed on 13.04.2018 in the following terms:

“19) Considering the said fact this court is of the view that if the 1st respondent is restrained by an order of temporary injunction from giving electric service connection to the 2nd respondent in the suit property, definitely it would cause undue hardship and injury. Even for the sake of argument that the case of the petitioner is true and she would win the case she would not be affected merely because of giving electric service connection in the suit property. On the other hand, if the electric service connection is not given to the suit 2nd item of property, the 2nd respondent / 2nd defendant would put into undue hardship and injury. Therefore, this Court is of the view that the petitioner / plaintiff is not entitled to get an order of temporary injunction as prayed for.

In the result, petition is dismissed. No cost.”

It is relevant to note here that W.P(MD)No.19908 of 2017 filed by Valarmathi was disposed of on 30.10.2017 whereas she filed IA subsequently and it was dismissed on 13.04.2018. The order passed by



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the jurisdictional civil Court is subsequent in point of time. The petitioner is therefore entitled to take the benefit of the dismissal. I permit the petitioner to apply afresh. Even though the original grant of connection in favour of the petitioner was in breach of the order of this Court and I sustain its disconnection, relief is given to the petitioner in the light of the IA order in O.S.No.229 of 2018. The petitioner is permitted to apply to the second respondent. It shall be honoured subject to the fulfilment of the usual formalities. The electricity connection shall be given to the petitioner as expeditiously as possible.

5. Even though the impugned order is sustained, this writ petition is disposed of in the above terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.03.2024

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

Note: Issue order copy on 27.03.2024.



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To

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G.R.SWAMINATHAN, J.

MGA

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