



W.P.(MD)No.12706 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.12706 of 2024
and WMP(MD) No.11289 of 2024

Paramasivam

... Petitioner

Vs

1. The Assistant Electrical Engineer (Operation and Maintenance),
TANGEDCO, Courtalam,
Tenkasi District.

2. Esakkiappan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in Ka.No.E.Mi.Po/Vi/Courtalam/Ko./A.No.162/24, dated 14.05.2024 and to quash the same and consequently direct the 1st respondent to provide electricity connection to the petitioner's newly constructing house, on the basis of application of the petitioner, dated 12.04.2024 within a stipulated time as that may be fixed by this Court.

For Petitioner	: Mr. C.Rathna Vel Pandian
For Respondents	: Mr.S.Deenadhayalan (R1) Standing Counsel Mr.V.Meenakshi Sundaram (R2)



W.P.(MD)No.12706 of 2024

ORDER

WEB COPY

This Writ Petition has been filed challenging the impugned order passed by the 1st respondent in Ka.No.E.Mi.Po/Vi/Courtalam/Ko./A.No.162/24, dated 14.05.2024 and to quash the same and consequently direct the 1st respondent to provide electricity connection to the petitioner's newly constructing house, on the basis of application of the petitioner, dated 12.04.2024 within a stipulated time as that may be fixed by this Court.

2.Heard the learned counsel appearing for the petitioner, learned Standing Counsel appearing for the first respondent and the learned counsel for the second respondent.

3. The petitioner has applied for electricity connection and the same has been rejected on the ground that the suit filed in this regard was dismissed and there is a rival claim.

4.It is not disputed that the petitioner is in possession of the property. Admittedly, the suit in O.S.No.24 of 2024 on the file of District Munsif Court, Shenkottai is pending between the parties. Based on the objection made by the 2nd



W.P.(MD)No.12706 of 2024

respondent, who is a care taker of the plaintiff in O.S.No.24 of 2024, the impugned order came to be passed.

5.At the outset, mere objection and pending of civil suit denying of electricity connection is not correct. At the same time, mere obtaining electricity connection, will not give a better title to the petitioner. The petitioner has to establish his title in the pending civil Suit. Obtaining electricity connection will not be an evidence to show that he is having proper title. The title has to be proved in an independent manner, with reference to the document.

6.In view of the above, the writ petition is allowed and the impugned order, dated 14.05.2024 is set aside. The first respondent is directed to provide electricity connection to the petitioner within a period of two weeks from the date of receipt of copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.10.2024

NCC : Yes/No
Index : Yes/No
PNM

To
1. The Assistant Electrical Engineer (Operation and Maintenance),
TANGEDCO, Courtalam, Tenkasi District.

3/4



WEB COPY



W.P.(MD)No.12706 of 2024

N.SATHISH KUMAR, J.

PNM

ORDER IN

W.P.(MD)No.12706 of 2024

and WMP(MD) No.11289 of 2024

21.10.2024