



W.P.(MD)No.24899 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24899 of 2024

and

W.M.P.(MD)No.21184 of 2024

Mary Puspharathi

... Petitioner

Vs.

1.The Supreintending Engineer,
TANGEDCO,
Kanniyakumari District.

2.The Assistant Executive Engineer,
TANGEDCO, Kottaram,
Kanniyakumari District.

3.The Assistant Engineer,
TANGEDCO, Kottaram,
Kanniyakumari District.

... Respondent

PRAAYER: 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 relating to the impugned order dated 26.09.2024 passed by the third respondent on the application made by the petitioner in Application reference No.2000714309241169, 2000714309241170, 2000714309241171, 2000714309241172 and 2000714309241173 dated 26.09.2024 situated in Door Nos.2/180/3, 2/180/4, 2/180/5, 2/180/5, 2/180/6 and 2/180/7 and quash the same and consequently direct the third respondent to grant electricity service connection in the petitioner shop.



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W.P(MD)No.24899 of 2024

For Petitioner : Mr.M.Parabhakaran
For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

Challenging the rejection of the petitioner's application for grant of electricity service connection, this writ petition has been filed.

2.Mr.S.Deenadhayalan, learned Standing Counsel, takes notice for the respondent. By consent of both parties, this writ petition is taken up for final disposal.

3.It is the grievance of the petitioner that the petitioner was assigned with the land in the year 2000 and she constructed a house after obtaining necessary building plan. Now, the petitioner applied for commercial electricity connection. However, the same was rejected stating that as per the assignment condition, only house has to be constructed in the property in question.

4.At the outset, this Court is of the view that the order passed by the third respondent cannot be sustained in the eye of law. Even assuming that there is a condition in the order of assignment stating that only a house has to be constructed in the said property, as the petitioner has already built up a construction and the petitioner has become the absolute owner of the subject



W.P(MD)No.24899 of 2024

property, the conditions mentioned in the assignment granted in the year 2000 cannot be put against the petitioner. The said conditions will not prevent the assignee to get the commercial connection and the said conditions will not have any impact in granting commercial service connection to the petitioner.

5.In such view of the matter, the order passed by the third respondent is quashed and this writ petition is allowed. The third respondent is directed to grant electricity service connection to the petitioner within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

21.10.2024

Index : Yes / No

Internet : Yes / No

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W.P(MD)No.24899 of 2024

N.SATHISH KUMAR, J.

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W.P(MD)No.24899 of 2024

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