



W.P.(MD)No.28004 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.28004 of 2024

Pannimadan

... Petitioner

Vs.

1.The Assistant Electrical Engineer (Distribution),
TANGEDCO,
Kazhugumalai Division,
Thoothukudi District.

2.Rajendran

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order No.உ.மி/பொ/விநி./க.மலை/கோ.கட்டு/அ.எண்.364/24, dated 19.08.2024 passed by the first respondent and quash the same as illegal and consequently direct the first respondent to provide electricity connection to the petitioner's house situated at Olaikulam Village, Kayathar Taluk, based on the petitioner's online application number 200073010923855 dated 23.09.2023 within stipulated time frame fixed by this Court.

For Petitioner : Mr.M.Prabu

For R1 : Mr.S.Deenadhayalan
Standing Counsel



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ORDER

The writ petition is filed challenging the impugned order passed by the first respondent, dated 19.08.2024 and consequently, directing the first respondent to provide electricity connection to the petitioner's house at Olaikulam Village, Kayathar Taluk, by considering the petitioner's online application, dated 23.09.2023.

2. The petitioner claims ownership to the subject property on the basis of settlement deed executed by his father in his favour on 23.09.2020. The petitioner stated that in pursuance of the settlement deed, he was in enjoyment and possession of the subject property. The petitioner constructed a house in the said property and applied for electricity connection to the first respondent on 01.08.2024. By letter, dated 06.08.2024, the first respondent directed the petitioner to apply online with necessary documents and fees through E-Challan. The petitioner submitted an online application on 22.09.2023 along with E-Challan. The first respondent thereafter rejected the petitioner's application vide impugned order, dated 19.08.2024. Aggrieved by the impugned order, the petitioner filed the writ petition for the aforesaid relief.



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3. The learned counsel for the petitioner submitted that the petitioner's online application was rejected on the ground that civil suit in O.S.No.210 of 2024 is pending before the Sub Court, Kovilpatti. The learned counsel for the petitioner further submitted that civil suit was filed by the second respondent for partition of the petitioner's father's property. He further submitted that there is no connection between civil suit and petitioner's application for grant of electricity connection. He therefore submitted that the impugned order rejecting the petitioner's application deserved to be set aside.

4. From the type set of papers, it is seen that the petitioner produced the settlement deed executed by his father in his favour. The only ground on which the petitioner's application was rejected stating that civil suit is pending with respect to the subject property. In my view, mere pendency of the civil suit cannot be a reason for rejecting the petitioner's application for electricity connection.

5. Accordingly, the impugned order is set aside and the first respondent is directed to consider the petitioner's application without reference to the suit in O.S.No.210 of 2024 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. It



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is made clear that the first respondent shall process the application of the petitioner, dated 22.09.2023 without insisting on fresh application, if the fee paid under the earlier application was not returned. In case, fee paid under the earlier application was returned to the petitioner, the petitioner shall file fresh application and the first respondent shall consider the same as per the aforesaid direction. The writ petition stands allowed. No costs.

25.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

The Assistant Electrical Engineer (Distribution),
TANGEDCO,
Kazhugumalai Division,
Thoothukudi District.



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N.MALA, J.

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