

W.P.(MD)No.10418 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10418 of 2025

Dhanalakshmi

... Petitioner

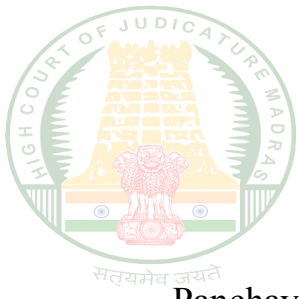
-VS-

1. The Assistant Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited
(TANGEDCO),
Village / North,
Devakottai,
Sivagangai District.

2. R.Surya

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order passed by the 1st respondent in Ku.No. UMiPo/Oo/Va/Theva/Ko.Pukar Manu/A.No. 37/25 dated 02.04.2025 and consequently directing the 1st respondent to provide electricity service connection to the petitioners land situated in Survey No. 34/40 bearing Plot No. 90, at Sathya Nagar, Mullikundu Village, Sirumathur Group, Kandadevi Village



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Panchayat, Devakottai Panchayat Union and Taluk, Sivagangai District.

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For Petitioner : Mr. C.Jeya Prakash
For Respondent : Mr.S.Deenadhayalan
Standing Counsel for R1

ORDER

The petitioner has filed the present writ petition, challenging the impugned order passed by the first respondent in Ku.No. UMiPo/Oo/Va/Theva/Ko.Pukar Manu/A.No.37/25, dated 02.04.2025 and consequently, to direct the first respondent to provide electricity service connection to the petitioner's land situated in Survey No. 34/40 bearing Plot No. 90, at Sathya Nagar, Mullikundu Village, Sirumathur Group, Kandadevi Village Panchayat, Devakottai Panchayat Union and Taluk, Sivagangai District.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the second respondent is dispensed with.



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3. The second respondent is the husband of the petitioner and they have two minor female children. Both of them purchased the house site property mentioned in the petition and a patta has been issued for the said property. Due to differences of opinion, the petitioner and her husband are now living separately. Subsequently, considering the future of the minor children, the petitioner intended to construct a dwelling house on the said property and obtained the plan approval on 04.04.2025. Thereafter, she applied for an electricity service connection. The petitioner's grievance is that, despite being the co-owner of the property and having obtained the plan approval for the construction of the house, the first respondent passed the impugned order rejecting her request based on an objection raised by her husband/second respondent. Aggrieved by this rejection, the petitioner has filed the present writ petition. The learned counsel for the petitioner further submits that the impugned order was passed without considering that there is no civil dispute between the parties and no legal barrier to provide an electricity service connection. Therefore, the petitioner prays that this Court to set aside the impugned order.



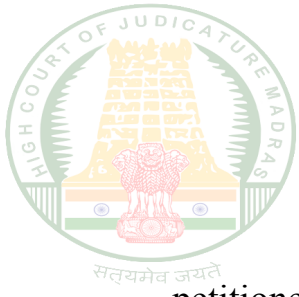
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4. Per contra, the learned Standing Counsel, appearing on behalf of the first respondent, submitted that since the title of the property is held in the names of both the petitioner and her husband/second respondent, the petitioner should have obtained a "No Objection Certificate" to enable the first respondent to effect the electricity service connection.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. Upon considering the submissions made by the learned counsel for the parties and also taking note of the fact that there is a personal dispute between the petitioner and the second respondent, who is none other than the husband of the petitioner, this Court finds it appropriate to set aside the impugned order. Accordingly, the impugned order dated 02.04.2025, is hereby set aside and the matter is remitted back to the first respondent. The respondent is directed to consider the case of the petitioner and pass fresh orders on merits and in accordance with law, after affording an opportunity of personal hearing to the



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petitioner, within a period of four weeks from the date of receipt of a copy of this order.

7. In the result, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
PKN

21.04.2025

To:-

The Assistant Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited
(TANGEDCO),
Village / North,
Devakottai,
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