

W.P.(MD)No.11807 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.04.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.11807 of 2025
and
W.M.P.(MD)No.8710 of 2025

G.Roach

... Petitioner

-vs-

The Assistant Executive Engineer,
TANGEDCO (Distribution and Maintenance),
Karaikudi,
Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned online cancellation order in Application Number Reference No. 200054010225284 dated 24.02.2025 and to set aside the same and consequently direct the respondent to give electricity connection to the petitioner's property situated at Survey No.37/4A2, Kovilur Road, Karaikudi, Sivagangai District, within the period that may be stipulated by this Court.

For Petitioner	:	Mr.G.Naveen Kumar
For Respondent	:	Mr.S.Deenadhayalan
		Standing Counsel



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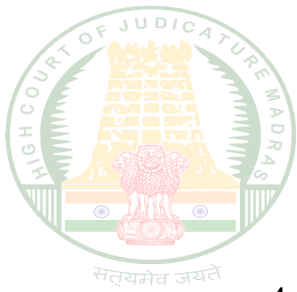
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ORDER

This writ petition has been filed challenging the impugned online cancellation order in Application Number Reference No.200054010225284 dated 24.02.2025 and for a consequential direction to the respondent to give electricity connection to the petitioner's property situated at Survey No.37/4A2, Kovilur Road, Karaikudi, Sivagangai District.

2. By consent of both parties, this writ petition is taken up at the admission stage itself.

3. The petitioner purchased the petition mentioned plot on 09.02.2024, in which the petitioner decided to construct a building and the petitioner's vendor had already obtained electricity connection for the same. Since the petitioner is in need of commercial supply, the petitioner applied for new electricity service connection. His request was negatived by the respondent vide the impugned order citing the reason that the petitioner's property is located nearer to Sambai Oothu. Challenging the same, the present writ petition came to be filed.



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4. The issue involved in this writ petition is squarely covered by the order of this Court dated 05.10.2023 passed in WP(MD)No.4129 of 2022 and the relevant portion of the order is extracted hereunder:-

“2.No doubt, the impugned order is in consensus with the terms of the order dated 11.11.2021 made in W.P.(MD)No.15424 of 2012. But I wanted to know from the learned standing counsel for TANGEDCO as to whether any restraint order has been earlier issued to the effect that electricity service connection should not be given, if the building is located within 500 meters of Sambai Oothu.

3.The case was adjourned to enable the respondents to make a submission in this regard. In the impugned order what is referred to is the order dated 11.07.2002 made in W.P.No.17544 of 1995. Let me extract the entire order:-

“The prayer in the writ petition is as follows:-

To issue a well of mandamus directing the respondents not to grant sanction to build any house or building within radius of 500 meters in the Sambai Uttru area in Karaikudi Municipal Limit.

2. The grievance of the petitioner is that the respondents are making attempt to grant sanction to build houses within 500 meters in “Sambai Uttru” area in Karaikudi Municipal Limit. The writ petition has been filed on the allegation that the members of the association consists of Advocates, Doctors, Teachers and other public spirited individuals and the association to protect the sole drinking water source for the Karaikudi Town popularly known as the "Sambai Uttru". Since respondents are making attempt to sanction building plans within 500 meters around "Sambai uttru" area,



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they made representation on 20.3.1995. In spite of the said representation, some of the plans have also been sanctioned and therefore, the petitioner made a further representation on 30.3.1995 requesting the first respondent to demolish the construction put up. Since no action has been taken by the respondents, the present writ petition has been filed.

3. No counter was filed on behalf of the respondents.

4. From the affidavit filed in support of the writ petition, it is seen that Sambai Uttru is the sole drinking water source for the Karaikudi town and grant of permission construction of building around the said area would affect the source of drinking water. However, in view of the specific averments that some of the individuals have already been sanctioned the building plan and also made construction and some individuals also applied for planning permission and those individuals have not been impleaded in the writ petition, the direction sought for in the writ petition cannot be granted without ascertaining the factual position. Hence, the writ petition is disposed of with the direction to the respondents to consider the representations dated 20.03.1992 and 30.3.1995 of the petitioner's association and take action as per law after hearing the petitioner's association as well as those who would be affected on the action of the first respondent. Such exercise shall be completed within three months from the date of receipt of this order.

5. With the above direction the writ petition is disposed of."

4. It is seen that the only direction that was given was to call upon the authorities to take a call in the matter. It is not known if any formal order was issued by the District Collector, Sivagangai. Since no such restraint order has been produced before me, I have to necessarily interfere in the matter. The learned counsel for the



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petitioner states that adjacent building owners are already enjoying electricity service connection. The petitioner alone cannot be discriminated.

5.In this view of the matter, the order impugned in this writ petition is set aside. The second respondent is directed to provide electricity service connection to the petition mentioned premises subject to fulfilment of usual formalities. This shall be done as expeditiously as possible. The writ petition is allowed. No costs.”

5. The order of this Court dated 05.10.2023 passed in WP(MD)No.4129 of 2022 is squarely applicable to the present case on hand. Hence, the order dated 24.02.2025 impugned in this writ petition, is set aside. The respondent is directed to provide electricity service connection to the petition mentioned premises subject to fulfilment of usual formalities. This shall be done as expeditiously as possible. This writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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To:-

The Assistant Executive Engineer,
TANGEDCO (Distribution and Maintenance),
Karaikudi,
Sivagangai District.

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