

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.13282 of 2016
and
W.M.P.No.11657 of 2016

P.Neelaveni

... Petitioner

Vs.

1. The District Collector,
O/o District Collector
Coimbatore District,
Coimbatore.
2. The Superintendent Engineer,
Coimbatore North,
TANGEDCO (Formerly TNEB)
Tatabad, Coimbatore 641 012.
3. The Assistant Executive Engineer,
TANGEDCO (Formerly TNEB)
South Thudiyalur,
Coimbatore Power Distribution Zone,
Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the third respondent to receive the petitioner's nativity certificate, dated 17.02.2016, and to provide electricity service connections to her house situate at No.13E, New Muthu Nagar (Narikuravar Colony) Thudiyalur Post, Coimbatore North Taluk, Coimbatore 641 034.

For Petitioner : Mr.S.Kumara Devan

For Respondent-1 : Mr.R.M.Muthukumar
Government Advocate

For Respondents2 and 3 : Mr.S.K.Rameshwar
Standing Counsel

O R D E R

Heard Mr.S.Kumara Devan, the learned counsel appearing for the petitioner and Mr.R.M.Muthukumar, learned Government Advocate, accepting notice for first respondent and Mr.S.K.Rameshwar, learned Standing Counsel, accepting notice on behalf of second and third respondents. With the consent of parties, the main Writ Petition is taken up for final disposal at the stage of admission.

2. The petitioner has filed this Writ Petition, seeking for issuance of Writ of Mandamus, directing the third respondent to receive the petitioner's nativity certificate, dated 17.02.2016, and to provide electricity service connections to her house, situate at No.13E, New Muthu Nagar (Narikuravar Colony) Thudiyalur Post, Coimbatore North Taluk, Coimbatore 641 034.

3. The petitioner claims to be in possession of the property, which admittedly not owned by her. The petitioner would claim that she is residing in her property for several years. To support her contention, copies of the Family Card, Aadhar Card, Gas Connection and Nativity certificate have been produced. However, all these documents do not certify that the petitioner is the owner of the property, or that she is in lawful possession of the property. The respondent/Board has refused to consider the petitioner's application for the grant of electricity supply on the ground that the property in question belongs to Muthusamy Gounder, son of Kumarasamy Gounder and others. The petitioner's case is that the land does not belong to them. If such is a stand taken by the petitioner, then, it is for her to establish the same before the Authorities concerned that Muthusamy Gounder and others are not in possession of the land and with that reasons, the petitioner need not have approached this Court.

4. Accordingly, while rejecting the prayer sought for in this Writ Petition, liberty is granted to the petitioner to approach the concerned Authority of the Electricity Board with documents to support her contention that the actual owner of the land is not Muthusamy Gounder and others, and it is she, who is the owner of the property. With this liberty the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sd

To

1. The District Collector,
O/o District Collector
Coimbatore District,
Coimbatore.
2. The Superintendent Engineer,
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Tatabad, Coimbatore 641 012.
3. The Assistant Executive Engineer,
TANGEDCO (Formerly TNEB)
South Thudiyalur,
Coimbatore Power Distribution Zone,
Coimbatore.

+lcc to Mr.S.Kumara Devan, Advocate, S.R.No.22572

+lcc to Mr.S.K.Rameshwar, Advocate, S.R.No.22977

+lcc to the Government Pleader, S.R.No.22772

Writ Petition No.13282 of 2016

SKS (CO)
CA(26/04/2016)

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