

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.601 of 2013
and
M.P.No.1 of 2013

P.Gayathri Subramani
President of Koothampoondi Village,
Tiruchengode Taluk, Namakkal District. ...Petitioner

Vs.

1. The Executive Engineer,
Tamil Nadu Electricity Board,
Tiruchengode Taluk,
Namakkal District.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
Tiruchengode Taluk,
Namakkal District.
3. Kamala
4. Ramarajan ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 and 2 to give electricity connection to the public bore well at S.No.59/2A2, Koothampoondi Village, Tiruchengode Taluk, Namakkal District.

For Petitioner : Mr.R.Jayaprakash

For Respondents 1&2 : Mr.S.K.Rameshwar
Standing Counsel for TNEB

For Respondents 3&4 : Mr.P.Valliyappan

O R D E R

Heard the learned counsel appearing for the respective parties.

2. The petitioner, who is an elected President of the Village Panchayat, as an independent candidate, is in thorough fix, because, she is unable to obtain electricity service connection for a public borewell, which, according to her, has been dug in the panchayat's land. This is objected to by respondents 3 and 4, by stating that the land, where, the borewell has been dug, is not a panchayat land, but, it is a land, owned by respondents 3 and 4. Thus, it is essentially a dispute with regard to the immovable property, concerning title over the property. This issue cannot be resolved in the Writ Petition, nor can the respondents 1 and 2, the Officials of the Electricity Board adjudicate on this issue. Therefore, the petitioner is left with two options, either, she has to approach the Civil Court and obtain a declaratory relief, or she has to approach the Revenue Officials, such as Tahsildar of the area, and request him to conduct survey of the property, or inspection, who, after issuing notice to all concerned, shall issue a certificate, based on which, the petitioner can proceed further, provided, the certificate is issued in her favour.

3. In the result, the Writ Petition is disposed of leaving it open to the petitioner to exercise any one of the aforesaid two options. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer,
Tamil Nadu Electricity Board,
Tiruchengode Taluk,
Namakkal District.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
Tiruchengode Taluk,
Namakkal District.

+1 cc to M/s.R.Jayaprakash, Advocate, sr.17254
+1 cc to M/s.P.Valliyappan, Advocate, sr.17478
+1 cc to M/s.S.K.Rameshuwar, Advocate, sr.17880

Writ Petition No.601 of 2013

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