



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.15104 of 2016

and

W.M.P. (MD) .Nos.11139 and 11140 of 2016

Rajamani

...Petitioner

Vs

1.The Superintendent Engineer(Distribution),
Tirunelveli Circle, TANGEDCO,
Tirunelveli.

2.The Executive Officer,
TANGEDCO, Vallioor,
Tirunelveli.

3.The Assistant Engineer (Urban),
TANGEDCO, Kalakkadu,
Tirunelveli.

4.The Executive Officer,
Kalakkadu Selection Grade Town Panchayat,
Kalakkadu, Tirunelveli District.

5.C.Paramasivan

6.Janet

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the proceeding passed by the 4th respondent in his proceeding passed by the 4th respondent in his proceedings in U.Mi.Po/Vi/Nagarpuram/Kala/Ko-2 A.No.64/16, dated 15.06.2016 and quash the same as illegal and consequently direct the respondents 1 to 3 to not to lay electric post through petitioners land in Survey No.63/1F, Pathai-I Village, Kalakkadu, Tirunelveli.

For petitioner

:Mr.T.A.Ebenezer

For R.1 to 3

:Mr.G.Kasinathadurai

For R.4

:Mr.M.Rajarajan

Government Advocate

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner challenges the order of the fourth respondent, dated 15.06.2016, whereby, he was directed to produce the relevant documents so as to prevent provision of electricity

to the fifth and sixth respondents.

2. The case of the petitioner is that he owns the land in S.No.63/1F, in Pathi-I Village and after selling a part thereof to one P.C.Rajan, he retains the remaining land wherein he has not made any public pathway. While so, the fifth respondent herein purchased the adjacent lands situated at the Eastern and Southern portion of the petitioner's land, and he sought electricity service connection to the same from the official respondents. As against the said request of R.5, the petitioner has made objections to the respondents, dated 11.06.2016, whereupon, the impugned order has been passed.

3. Learned counsel for the petitioner submitted that when already two suits are pending on the subject matter of the property, the official respondents are not justified in entertaining the Application of the private respondents herein for granting electricity service connection. Further, since the Electricity Department is not a party in those two civil suits, the petitioner is unable to get an interim order against the Electricity Department. Therefore, the private respondents are not entitled to get service connection.

4. Mr.G.Kasinathadurai, learned Standing Counsel takes notice for R.1 to R.3 and Mr.Rajarajan, learned Government Advocate, takes notice for R.4.

5. Be that as it may, the impugned order only states that if there are civil suits, the petitioner shall produce the stay order obtained from the competent Civil Court to substantiate the fact that the property in question, which is referred to in this Writ Petition, belongs to the petitioner. It is the duty of the petitioner to satisfy the respondents that the property is not a public pathway and therefore, they cannot erect any electric pole to give electricity connection to the private respondents herein. Therefore, there is nothing wrong on the part of the Electricity Board in requiring the petitioner to produce relevant documents to examine the issue.

6. Therefore, finding no merits whatsoever in this Writ Petition, it is dismissed at the admission stage. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The Superintendent Engineer(Distribution),
<https://hcservices.ecourts.gov.in/hcservices/>
Tirunelveli Circle, TANGEDCO,
Tirunelveli.



2.The Executive Officer,
TANGEDCO, Vallioor,
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3.The Assistant Engineer (Urban),
TANGEDCO, Kalakkadu,
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Kalakkadu Selection Grade Town Panchayat,
Kalakkadu, Tirunelveli District.

+1cc to M/s.T.A.Ebenezer, Advocate in SR.45065

+1cc to M/s.G.Kasinathadurai, Advocate in SR.45050

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ssm

PBK/SK-SKN 29/09/2016 ::3P-7C: