



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.18963 of 2017

Sahitha Beevi

... Petitioner

Vs.

1.The Assistant Engineer

Tamil Nadu Electricity Board (Operation and Maintenance)
Nadiyam, Sethupavuchathiram,
Peravoorani Taluk,
Thanjavur District.

2.Dhasthaheer (Family Manager)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent herein to forthwith provide the Electricity Service connection to petitioner's house situated at Door No. 332, comprised in S.No.15/4 of Ravuthan Vayal Village, Peravoorani Taluk, Thanjavur District.

For Petitioner : Mr.R.Sureshkumar

For Respondents : Mr.SMS.Johny Basha - For R.1
: Mr.N.Dilipkumar - For R.2

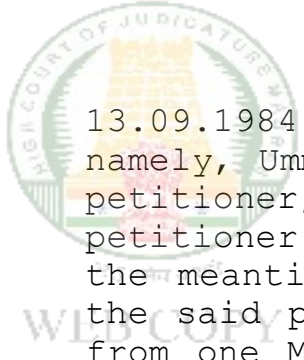
ORDER

This writ petition has been filed, seeking a Writ of Mandamus, directing the first respondent to forthwith provide the Electricity Service connection to petitioner's house situated at Door No. 332, comprised in S.No.15/4 of Ravuthan Vayal Village, Peravoorani Taluk, Thanjavur District.

2.By consent, this writ petition itself is taken up for final disposal.

3. Mr.SMS.Johny Basha, learned Standing Counsel takes notice for the first respondent and Mr.N.Dilipkumar, learned Counsel takes notice for the second respondent.

4. According to the learned Counsel for the petitioner, the house owned by the petitioner is situated at Survey No.15/4, measuring an extend of 0.19.50 ares situated at Ravuthan Vayal Village, Peravoorani Taluk, Thanjavur District, was assigned under Inam Settlement dated



13.09.1984 in favour of the sister-in-law of the petitioner, namely, Umma Habiba and she was under the care and custody of the petitioner, till her death. After her demise, the husband of the petitioner has become the absolute owner of the said property. In the meantime, the second respondent claiming to be the owner of the said property, as if, his father purchased the said property from one Mohammed Hussain. Hence, he filed a suit in O.S.No.103 of 2013, before the District Munsif Court, Pattukkottai, seeking declaration and injunction and the petitioner filed a petition in I.A.356 of 2017 to implead the Electricity Board as a party to the suit proceedings and the same is pending. Hence, the petitioner has filed this writ petition before this Court seeking the aforesaid relief.

5. Whereas the learned Standing Counsel appearing for the first respondent, on instructions submitted that the the petitioner can very well submit the necessary documents to prove her title as well as possession, before the authorities concerned, for providing electricity connection.

6. Heard both sides and perused the materials available on record.

7. Considering the facts and circumstance of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the petitioner to produce the necessary documents relating to her title as well as possession, before the first respondent, within a period of two weeks from the date of receipt of a copy of this order and on such production, the first respondent is directed to consider the same, if the petitioner complies all other requirements for providing electricity connection and pass appropriate orders thereon, on merits and in accordance with law, within a period of four weeks, thereafter, after affording an opportunity of hearing to the petitioner, second respondent as well as other interested parties, if any. This order will not give any right to the petitioner for claiming any right over the property, before the Court below in the said suit.

8. With the above direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar



To
The Assistant Engineer,
Tamil Nadu Electricity Board (Operation and Maintenance)
Nadiyam, Sethupavuchathiram,
Peravoorani Taluk,
Thanjavur District.

+1CC to Mr.R.Suresh Kumar, Advocate, SR.No.89383
+1CC to Mr.N.Dilip Kumar, Advocate, SR.No. 88931

W.P (MD) No.18963 of 2017
23.11.2017

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