

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.9567 of 2018

K.Muthuvel

... Petitioner

Vs.

1.The Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
rep by its Assistant Electrical
Engineering,
Coimbatore Electricity
Distribution Circle (South),
Vadakipalayam, Pollachi - 642 110.

2.S.Sivasakthi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to consider the petitioner's objections made in his letter dated 05.04.2018 sent to the 1st respondent, while conducting enquiry on merits as directed by this Court in W.P.No.5368 of 2018 dated 15.03.2018 by giving personal hearing to the petitioner.

For Petitioner : Mr.C.R.Prasanan

For Respondent : Mr.S.K.Raameshuwar,
Standing Counsel (R1)

O R D E R

This Writ Petition has been filed seeking for issuance of Writ of Mandamus directing the 1st respondent to consider the objections made by the petitioner in his letter dated 05.04.2018, while considering the representation made by S.Sivasakthi, on merits, as directed by this Court in W.P.No.5368 of 2018 dated 15.03.2018.

2.The learned counsel appearing for the petitioner has submitted that the petitioner claims to be the owner of the Natham land in S.F.No.419/25 measuring 0.0093 sq.m. in Old Survey No.229/1-part. The 2nd respondent's husband viz., D.Sabarinathan and her father had requested the petitioner to permit them to reside in the shed put up by the petitioner in the year 2012. Taking advantage of the same, on 16.10.2012, the 2nd respondent's husband has made an application to the

Tahsildar, Pollachi for issuance of patta in his name on false ground. After conducting the enquiry, the Tahsildar, not being satisfied with the documents produced and on the objections from the petitioner, had not issued patta in the name of the 2nd respondent's husband. Subsequently, the petitioner has filed a suit in O.S.No.307 of 2016 on the file of the District Munsif Court, Pollachi for recovery of possession and mandatory injunction, restraining the Tahsildar from not changing the name in the revenue records, in favour of the 2nd respondent's husband.

3. During the pendency of the suit, the 2nd respondent has come to this Court by filing a Writ Petition in W.P.No.5368 of 2018 for a mandamus to direct the TANGEDCO to provide electricity connection to her house in 419/25, Sarcar Puravipalayam, Sarcar Puravipalayam Post, Vadakkipalayam Panchayat, Pollachi Taluk, Coimbatore. This Court, without going into the merits of the matter, directed the respondent, viz., TANGEDCO to consider the representation of the petitioner therein viz., S.Sivasakthi and pass orders on merits and in accordance with law.

3. The learned standing counsel appearing for the 1st respondent has submitted that the objection of the petitioner and also the representation of the 2nd respondent already given, will be considered and orders will be passed in accordance with law.

4. Recording the submissions, the Writ Petition is disposed of with a direction to the 1st respondent to consider the objections made by the petitioner and also after affording personal hearing to the parties and thereafter, pass orders on merits and in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

va
To

The Assistant Electrical Engineering,
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Coimbatore Electricity Distribution Circle (South),
Vadakkipalayam, Pollachi - 642 110.

+ 1 cc to Mr.S.K. Raameshuwar, Advocate Sr.29136

+ 1 cc to Mr. Prasanan, Advocate Sr.29025

W.P.No.9567 of 2018

(CS-IX)

<https://hcservices.ecourts.gov.in/hcservices/>
EU (20/04/2018)