



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2018

CORAM :

THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

W.P. (MD) No.22809 of 2018

WEB COPY

Dhanasekaran

.... Petitioner

Vs.

1. The Superintending Engineer
Tamil Nadu Generation of Electricity
and Distribution Corporation Limited
Virudhunagar Region
Virudhunagar

2. The Junior Electricity Engineer
Tamil Nadu Generation of Electricity
and Distribution Corporation Limited
Town/West, Virudhunagar
Virudhunagar

3. Porkamalam

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to restore the petitioner's name in the Electricity Supply Connection No.222-009-0141, Tariff 1 A1 within the stipulated period.

For Petitioner : Mr.M.Jothibas

For Respondents : Mr.Kasinathadurai
No.1 & 2 Standing Counsel

O R D E R

The petitioner has filed this writ petition for issuance of writ of mandamus directing the second respondent to restore petitioner's name in the Electricity Supply connection No.222-009-0141, Tariff1A1 within the stipulated time.

2.The learned counsel for the petitioner would submit that the petitioner owned 1^{3/4} cents in Town Survey No.23/P, Ward No.2, Pullakottai Road, Virudhunagar Town, Taluk and District. On 04.09.1965 the petitioner's mother purchased a property vide document No. 2887 of 1965 registered before the Sub Registrar, Virudhunagar. The petitioner's mother was shown as guardian in the sale deed. There are four door numbers viz., 133/14, 133/14A, 133/14B and 133/14C in the said property. There is an electricity connection in the name of the petitioner's mother. After the petitioner attained majority, electricity service connection No.002-009-0141 Tariff1A1 was changed in his name.



There is a dispute arose between family members in respect of dividing the property and a suit in O.S.No.25 of 1996 was filed before the District Munsif Court, Virudhunagar for partition, claiming 6/7 share in the property. On 30.09.1997 the Munsif Court, Virudhunagar has passed a decree in favour of the plaintiffs who are the father, mother and other four brothers of the petitioner. Hence the petitioner filed an appeal in A.S.No. 6 of 2002 before the Additional District Court (Fast Track) Virudhunagar and the same was dismissed on 26.03.2002 Thereafter the petitioner entered into settlement with other family members and paid some amount as settlement. Hence the plaintiffs did not take any steps to file an application to pass final decree. The petitioner also withdraw the suit in O.S.No.121 of 2001 filed for recovery of possession. He would further submit that except third respondent all other respondents have vacated the premises and the third respondent have no right over the property in Door No.133/14A and She made an attempt to change the electricity service connection in her name. The petitioner has sent representation to the first and second respondents to change the name of the electricity service connection in his name. By a reply dated 05.05.2018 the second respondent has informed that if the petitioner has relevant documents to prove the ownership, they are ready to consider the same and take steps in accordance with law.

3. The learned counsel for the petitioner would submit that for the past several years electricity service connection stood in the name of the petitioner. Without issuing any notice, the authorities have transferred it to his brother's wife. Therefore he prayed for a direction to the second respondent to restore electricity service connection in his name.

4. From the materials produced on record, it could be seen that the petitioner was not the purchaser of the property and his parents have purchased the same out of their income. There was a dispute arose between the parties and suit was filed before the District Munsif Court, Viruthunagar and the decree was passed in favour of the father, mother and other four brothers. The petitioner who lost the suit has filed the appeal suit in A.S.No. 06 of 2002 before the Additional District Court (Fast Track)) Viruthunagar and the same was also dismissed on 26.03.2002. Hence the petitioner has no right over the other part of the property according to the judgment in A.S.No.06 of 2002. The petitioner submits that he entered into settlement with others, which are not produced before the Court and no material has been shown to prove that he is entitled for the same. He also withdrew the suit filed by him for recovery of possession. Without any valid documents, the petitioner cannot approach this court for effecting change in the electricity service connection where the petitioner's brother's wife is staying.

<https://hcservices.ecourts.gov.in/hcservices/>

5. In the above stated facts and circumstances of the case,



this writ petition cannot be entertained and the same is dismissed.
No cost.

Sd/
Assistant Registrar

WEB COPY

/True copy/

Sub Assistant Registrar (CS-II)

TO

+1cc to Mr.G.KASINATHADURAI, Advocate, SR.No.95474

+1cc to M/S.G.M.LAW OFFICE, Advocate, SR.No. 95468

W.P. (MD) No.22809 of 2018
15.11.2018

AAV

KK/RSK/SAR-2/26.12.2018/3P-3C