



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 03.12.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
W.P(MD)No.21031 of 2018

P.Malar

..Petitioner

-Vs-

1. The Superintending Engineer,
TANGEDCO,
Railway Feeder Road,
Virudhuangar Town & District.
2. The Assistant Executive Engineer,
TANGEDCO,
Ponnagaram Chathirapatti Road,
Rajapalayam Town,
Virudhunagar District.
3. The Assistant Engineer (South),
TANGEDCO,
Cholapuram, Cholapuram Post,
Rajapalayam Taluk,
Virudhunagar District.

4.Pandian

..Respondents

5.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to provide electricity service connection to the petitioner's house bearing D.No.201B/1, Cholapuram Post, Rajapalayam Taluk, Virudhunagar District.

For Petitioner	: Mr.M.Thirunavukkarasu
For R1 to R3	: Mr.G.Kasinatha Durai,
For R4	: Mr.S.C.Herold Singh

ORDER

This writ petition has been filed, seeking for a Writ of Mandamus, to direct the respondents 1 to 3 herein to provide electricity service connection to the petitioner's house bearing D.No.201B/1, Cholapuram Post, Rajapalayam Taluk, Virudhunagar District.

2.The case of the petitioner is that she has purchased a vacant house site in S.No.1108/2, measuring an extent of 18 cents by way of registered sale deed, bearing Document No.365/2012, dated 03.01.2012, on the file of the Sub Registrar, Rajapalayam from her father-in-law, namely, Rassaiah. In the said land, she had constructed a house under the aid of the Central Government Scheme i.e., Pradhan Mantri Awas Yojana Scheme, in the name of the petitioner's husband namely, Bakkiyaraj. She has also given an undertaking that she has no objection to build a house in the said land. The Local Panchayat viz., Cholapuram Panchayat also assessed



house tax and door number was also assigned to her house bearing Door No.201B/1.

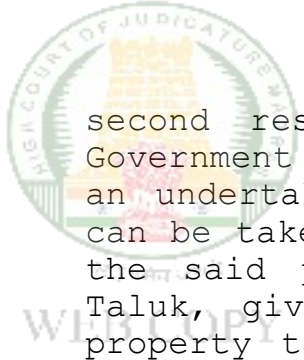
3.It is the further case of the petitioner that she has made an application before the third respondent herein, seeking electricity service connection and the same was processed and after complying with all the formalities, the petitioner was directed to pay a sum of Rs.1600/- (Rupees One Thousand and Six Hundred Only) towards the electricity service connection. After payment by corresponding bill receipt No.TN 286IA1S1856, she was assigned with E.B. Connection No.286-07-18-338. Thus all that remain is mere providing of the meter and physical connection of the electrical power line to the main electric pole. All of a sudden, the respondents 1 to 3 have orally informed her that electricity connection cannot be given on the ground that the fourth respondent has filed O.S.No.397 of 2013 on the file of the learned Principal District Munsif Court, Srivilliputhur for partition over the said property in S.No.1108/2 comprising her house property. In the said suit, neither the petitioner nor her husband was a party. However, her father-in-law was added as first defendant. It was filed claiming 1/4th share over the suit property such that the fourth respondent claimed the suit properties therein as belonging to his father Aandi @ Kadalkarai and mother Muthuammal and further claimed them to have expired intestate without partition during their life time.

4.Now, the learned counsel appearing for the petitioner would submit that the suit mentioned properties were orally partitioned among the family members of her father-in-law as well as the fourth respondent and all were under possession in respect of their own shares. He would further contend that the outcome of the suit will not have any impact over her house property, since she is neither a party to the suit nor any claim made as against her nor her title. Hence, she undertakes to furnish indemnity bond in accordance with Section 27(2)(4) of Tamil Nadu Electricity Distribution Code and prays indulgence of this Court.

5.Inspite of representation being sent on 27.09.2018 by RPAD to the respondents 1 to 3 with a request to provide electricity service connection to her house, the same has not been considered by the respondents herein. Hence, she approached this Court by way of filing this Writ Petition.

6.The learned counsel appearing for the fourth respondent submitted that the suit for partition has been filed by him and it is still pending before the Principal District Munsif Court, Srivilliputtur.

7.The learned counsel appearing for the respondents 1 to 3 would submit that subsequent to the filing of this writ petition, a letter by the second respondent has been sent to the petitioner herein on 05.10.2018, in which it has been stated that there is an objection raised by the fourth respondent and accordingly, the



second respondent has taken a legal opinion from the learned Government Advocate and as such, he directed the petitioner to give an undertaking to furnish indemnity bond, stating that any action can be taken by the authorities concerned, based on the outcome of the said pending suit and if the Executive Officer, Cholapuram Taluk, gives no objection certificate, regarding the issuance of property tax bill and if it is found to be true, they will give electricity service connection to the petitioner herein.

8. Accordingly, when there is an instruction by way of letter issued to the petitioner, the learned counsel for the respondents 1 to 3 need not get further instructions and based on the said letter issued by the second respondent, the second respondent is directed to accept the petitioner's application and the petitioner is also directed to produce necessary document before the concerned authorities within a period of 10 days from the date of receipt of a copy of this order and the authorities are directed to consider the same and pass appropriate orders in accordance with law, within a period of two weeks thereafter.

9. In the result, this Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Superintending Engineer,
TANGEDCO,
Railway Feeder Road,
Virudhunagar Town & District.
2. The Assistant Executive Engineer,
TANGEDCO,
Ponnagaram Chathirapatti Road,
Rajapalayam Town,
Virudhunagar District.
3. The Assistant Engineer (South),
TANGEDCO,
Cholapuram, Cholapuram Post,
Rajapalayam Taluk,
Virudhunagar District.

+1cc to Mr.M.Thirunavukkarasu, Advocate Sr.No.98336
+1cc to Mr.G.Kasinatha Durai, Advocate Sr.No.98456

MYR

KM/PM/SAR3/11.12.2018/3P/6C

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

W.P (MD) No.21031 of 2018
03.12.2018