

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.14320 of 2012

C.N.Palanisamy

... Petitioner

Vs

1.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Kangayam, Tiruppur District.

2.The Assistant Executive Engineer,
Operation and Maintenance (Rural),
Tamil Nadu Electricity Board,
Muthur - 638 105. Tiruppur District.

3.The Junior Engineer,
Operation and Maintenance (West),
Tamil nadu Electricity Board,
Muthur - 638 105.
Tiruppur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to grant agricultural service connection to the petitioner's well in S.F.No.161/A3A, Valliyarachal Village, Kangayam Taluk, Tiruppur District, by considering the application Regn.No.80/94-95, dated 11.07.1994.

For petitioner : Mr.N.Manokaran

For Respondents : Mr.S.K.Raameshwar,
Sanding Counsel

ORDER

The petitioner has filed this writ petitioner seeking for issuance of a writ of mandamus to direct the respondents to grant agricultural service connection to the petitioner's well

situated at S.F.No.161/A3A, Valliyarachal Village, Kangayam Taluk, Tiruppur District, by considering the application Regn.No.80/94-95, dated 11.07.1994.

2. It is the claim of the petitioner that the petitioner's grandfather was the owner of the land covered in S.F.No.161/A1, having an extent of 1.23 acres in S.F.No.161/A3A, Valliyarachal Village, Kangayam Taluk. On 11.07.1994, his grandfather applied for agricultural service connection to the Well situated at S.F.No.161/A3A. After the demise of his father on 15.02.1993, his grandfather had executed a Will dated 14.07.2006 registered as Document No.40/2006 on the file of the Sub Registrar, Vellakovil, in his favour. Subsequently, his grandfather also died on 28.12.2009. After his death, as per the Will dated 14.07.2006, the petitioner has become absolute owner of the said property. Therefore, it is submitted that the application made by his grandfather seeking electricity service connection has to be granted in the name of the petitioner. He has also produced a copy of the patta obtained from the Tahsildar and the said patta also shows that the petitioner is the absolute owner of the land in question. Therefore, the respondent cannot refuse to grant electricity service connection in the name of the petitioner.

3. Learned Standing Counsel for the respondents submitted that the Survey Number mentioned in application submitted by his grandfather on 11.07.1994 and Survey Number mentioned in the Will dated 14.07.2006 executed by his grandfather in favour of the petitioner are different and therefore, if the petitioner produces the legal heir certificate, then his request of granting electricity service connection in his name would be considered.

4. Learned counsel for the petitioner, drawing the notice of the proceedings dated 29.01.2011 of the first respondent, submitted that even the Village Administrative Officer had admitted that the petitioner is the legal heir of his grandfather.

5. In view of the above, as the Tahsildar, Kangayam, had also issued a patta bearing No.1534 in the name of the petitioner after the demise of his grandfather, the respondents are directed to consider the request of the petitioner seeking electricity service connection in his name instead of his grandfather's name, because the petitioner has become the owner

of the property, within a period a period of four weeks from the date of receipt of a copy of this order. With this direction , the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Kangayam, Tiruppur District.
- 2.The Assistant Executive Engineer,
Operation and Maintenance (Rural),
Tamil Nadu Electricity Board,
Muthur - 638 105. Tiruppur District.
- 3.The Junior Engineer,
Operation and Maintenance (West),
Tamil nadu Electricity Board,
Muthur - 638 105.
Tiruppur District.

+1cc to M/s.S.K.Raameshuwar, Advocate Sr.84166
+1cc to Mr.N.Manokaran, Advocate Sr.83386

सत्यमेव जयते

W.P.No.14320 of 2012

srg 23/10/2019

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