



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.2607 2019

R.Velmurugan

... Petitioner

Vs.

- 1.The Executive Engineer,
Tamil Nadu Electricity Board,
Madurai.
 - 2.The Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
Tirumangalam, Madurai District.
 - 3.The Assistant Engineer,
TANGEDCO.,
South M.E.D.C.,
Tirumangalam, Madurai District.
 - 4.The Deputy Superintendent of Police,
Tirumangalam, Madurai District.
 - 5.The Inspector of Police,
Tirumangalam Nagar Police Station,
Tirumangalam, Madurai District.
 - 6.The Sub-Inspector of Police,
Kalligudi Police Station,
Madurai.
 - 7.R.Murugan
 - 8.The Tahsildar,
Kallikudi.
- (R8 is suo motu impleaded vide Court
order dated 20.02.2019)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the third respondent to give EB connection to the petitioner's house in the S.No.306/30B2 and direct the fifth and sixth respondent to take action on the petitioner's complaint dated 03.12.2018 and 25.01.2019 and dispose of the petitioner as per law by fixing a time frame by this court.



For Petitioner :Mr.R.Ramasamy
For R1 to R3 :Mr.S.M.S.Johny Basha
For R4 to R6, R8 :Mr.K.Karuppasamy
Government Advocate
For R7 :Mr.S.C.Herold Singh

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ORDER

The petitioner wants providing of EB connection to his petition mentioned house. The petitioner has indicated the route through which the lines ought to be drawn. But that is objected by the seventh respondent herein.

2.According to the seventh respondent, the route through which, the petitioner is seeking to draw the EB line is his property. On the other hand, the petitioner's contention is that it is a common pathway. The petitioner would further claim that the parent deed from which, the respondent is tracing his title categorically mentioned the existence of the common pathway.

3.I am of the view that this issue can be decided by the eight respondent for the purpose of granting electricity connection. Therefore, the eight respondent namely, Tahsildar, Kallikudi, is directed to hold summary enquiry and hear both the parties and give a finding as to whether the route indicated by the writ petitioner is a common pathway or not.

4.The learned Government Advocate appearing for the fifth respondent would point out that they have also written a request letter in this regard to the Tahsildar, Kallikudi.

5.Of-course, if the parties are still aggrieved, they can always go before the civil forum for ventilating their rights. The direction given by this Court is only for the purpose of deciding as to whether the writ petitioner has to be given EB connection or not. The Tahsildar, Kallikudi will take decision within a period of four weeks from the date of receipt of a copy of this order. It is made clear the Tahsildar will taken into account not only the "A register" but also "FMB and the Parent document" of the respective parties.

6.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (cs-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Deputy Superintendent of Police,
Tirumangalam, Madurai District.

2.The Inspector of Police,
Tirumangalam Nagar Police Station,
Tirumangalam, Madurai District.

3.The Sub-Inspector of Police,
Kalligudi Police Station,
Madurai.

4.The Tahsildar,
Kallikudi.

+1cc to Mr.R.Ramasamy,Advocate, SR.No.60666

+1cc to Mr.S.C.Herold Singh,Advocate, SR.No.60253

+1cc to Special Government Pleader, SR.No.60600

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SP/29.04.2019/3P/9C