



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2019

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

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**W.P. (MD) .No.21503 of 2019
and
W.M.P. (MD) .No.18162 of 2019**

Mayilu @ Muthiah

... Petitioner

vs.

1.The Superintendent Engineer,
Tamil Nadu Electricity Board Madurai Zone,
K.Pudur,
Madurai District.

2.The Regional Executive Engineer,
Tamil Nadu Electricity Board,
Samayanallur,
Madurai District.

3.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Sholavanthan,
Madurai District.

4.Mookkammal

... Respondents

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 3rd respondent herein not to provide Electricity Connection to the fourth respondent herein for seeking of electricity connection in respect of property in Survey No.120/1 to an extent of 8 cents alone out of 12 Cents of Ayan Punja Land in Mannadimangalam Village, Vadipatti Taluk, Madurai District by considering the petitioner's objection dated 24.09.2019 within the time stipulated by this Court.

For Petitioner : Mr.D.Balamurugapandi

For R1 to R3 : Mr.S.M.S.Johny Basha
Standing Counsel



O R D E R

This writ petition has been filed seeking a direction to the third respondent not to provide Electricity Connection to the fourth respondent in respect of property in Survey No.120/1 to an extent of 8 cents alone out of 12 Cents of Ayan Punja Land in Mannadimangalam Village, Vadipatti Taluk, Madurai District, by considering the petitioner's objection, dated 24.09.2019.

2.Heard Mr.D.Balamurugapandi, learned counsel appearing for the petitioner and Mr.S.M.S.Johny Basha, learned Standing Counsel appearing for the respondent Nos.1 to 3.

3.In the affidavit filed in support of this petition, it is seen that the property in Survey No.120/1 in Mannadimangalam Village was allotted to the petitioner in the family partition, which was originally belonged to his forefather. While so, the fourth respondent herein, his brother and his mother filed a suit in O.S.No.107 of 2016 before the I Additional District Court, Madurai for the relief of partition as against the petitioner and others and an exparte order was passed against the petitioner on 08.02.2018 for non-filing of written statement. The fourth respondent, who is one of the plaintiffs in the said suit, has filed an application before the third respondent, seeking electricity connection based on the ex-parte judgment. Pursuant to which, the petitioner has made an objection to the authority on 24.09.2019 through registered post and thereafter, on 27.09.2019 the petitioner has approached the third respondent in person and handed over all related documents. Since no action has been taken by the authorities, the petitioner is before this Court.

4.The learned counsel appearing for the petitioner submitted that the petitioner has filed the representation in the typed-set of papers, which was sent by Registered Post along with the Tracking Sheet, having the details of the same.

5.The learned counsel appearing for the respondents submitted that the representation of the petitioner has not been received so far.

6.In view of the above, it is open to the petitioner to furnish one more copy of the said representation dated 24.09.2019 to the third respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the said representation dated 24.09.2019 and pass appropriate orders on merits and in accordance with law, within a period of two weeks thereafter.

7.With the above directions, this Writ Petition is disposed of.



No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

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// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Superintendent Engineer,
Tamil Nadu Electricity Board Madurai Zone,
K.Pudur, Madurai District.
- 2.The Regional Executive Engineer,
Tamil Nadu Electricity Board,
Samayanallur,
Madurai District.
- 3.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Sholavanthan,
Madurai District.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-103024[F] dated 02/12/2019)

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JMN(19.12.2019) 3P : 5C