



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P(MD)Nos.21746 and 21748 of 2019
and
WMP(MD)Nos.18484, 18486 and 18487
and 18489 & 18490 of 2019

J.Askar

.. Petitioner in both W.Ps.

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Division - IV,
Madurai Corporation,
Melamarat Veethi,
Madurai - 1.

3.The Assistant Engineer,
(Distribution),
TANGEDCO,
Power House,
Subramaniapuram,
Madurai - 11.

4.J.Akbar

... Respondents in both W.Ps.

WP(MD)No.21746 of 2019 filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records issued by the 3rd respondent by his proceedings in Lr.No.VuMiPo/PaKir/Sup.Puram/Peru/Ko.Pu.Manu/ A.No.135/19 dated 05.08.2019 and to quash the same and further direct the 3rd respondent to give permanent EB connection to Door No.43, Mealavadampokki Street, Opp. Perumal Kovil, Madurai to the petitioner.

WP(MD)No.21748 of 2019 filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records issued by the 3rd respondent by his proceedings in Lr.No.VuMiPo/PaKi/Sup.Puram/Peru/Ko.katu/A.No.136/19, dated 05.08.2019 and to quash the same and further direct the 3rd respondent to give permanent EB



connection to Door No.46 Mealavadampokki Street, Opp. Perumal Kovil, Madurai as well as to shift the Electricity meter board to the side wall of the petitioner property.

For Petitioner : Mr.A.Thirumurthy
(In both WPs)

For R1 & R2 : Mrs.M.Rajeswari
(In both WPs) for Mr.SMS.Johny Basha

For R3 : Mr.J.Gunaseelan Muthiah
(In both WPs) Additional Government Pleader
in both writ petitions.

COMMON ORDER

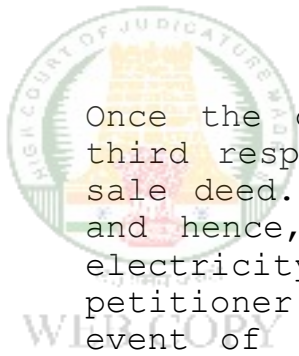
The petitioner has applied for new electricity service connection in respect of his house at Door No.43, Mealavadampokki Street, Madurai - 2 and for shifting the metre board at Door No.46, Mealavadampokki Street, Madurai - 2. The third respondent, passed the impugned orders directing the petitioner to produce the title documents in the form of sale deed mentioned therein. Aggrieved over the same, the petitioner is before this Court.

2.Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice on behalf of the respondents 1 and 2 and Mrs.M.Rajeswari, learned Standing Counsel, representing Mr.SMS.Johny Basha, takes notice on behalf of the third respondent. In view of the order going to be passed hereunder, no notice is required to be sent to the fourth respondent.

3.According to the petitioner, the petitioner and his brother are the legal heirs of their parents. In a partition suit, they entered into a compromise and the petitioner was allotted with Door Nos.43 and 46 of 'B' schedule property. With the strength of the decree passed in O.S.No.229 of 2017 dated 03.12.2018 by the VI Additional District Judge, Madurai, the petitioner made his application.

4.The third respondent is insisting production of sale deed and property tax assessment receipt for grant of new service connection at Door No.43 and transfer in respect of electricity service connection with respect to property at Door No.46, Mealavadampokki Street, Madurai - 2.

5.On consideration of materials, it is seen that a decree, on compromise was passed on 03.12.2018 by the competent civil Court, in which the petitioner was allotted with the above properties to his share. The property tax receipts stand in the name of his mother. He produced the certified copy of the judgment and also a receipt showing payment of property tax in respect of the said property.



Once the civil Court has conferred title on the petitioner, the third respondent shall not insist on production of a non existing sale deed. It should be noted that decree was passed on compromise and hence, there would not be any appeal against the same. The electricity service connection stands in the name of the petitioner's parents, who are no more. In such circumstances, in the event of petitioner submitting an application in the prescribed format seeking electricity service connection and shifting of metre board in respect of his respective properties along with the certified copy of the decree passed in O.S.No.229 of 2017, legal heir certificate and the property tax assessment receipt from the Corporation, the third respondent shall entertain the application and complete the entire process within a period of eight weeks.

6.The writ petitions are disposed of with the above direction. No costs. Consequently, WMP(MD)Nos.18484, 18486 and 18487 and 18489 & 18490 of 2019 are closed.

7.Post the matter after eight weeks for reporting compliance.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

mj

To

- 1.The Commissioner,
Madurai Corporation,
Madurai.
- 2.The Assistant Commissioner,
Division - IV,
Madurai Corporation,
Melamarat Veethi,
Madurai - 1.
- 3.The Assistant Engineer,
(Distribution), TANGEDCO,
Power House, Subramaniapuram,
Madurai - 11.



COPY TO

1. THE VI, ADDITIONAL DISTRICT, JUDGE.

2. The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.J.GUNASEELANMUTHIAH, Advocate Sr. No. 92214

+2CC TO MR.A.THIRUMURTHY, Advocate Sr. No. 17378

W.P (MD) Nos. 21746 and 21748 of 2019
15.10.2019

AVS (CO)

TR(23.10.2019) 4P 9C