



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.15858 of 2020

Ramesh

... Petitioner

-vs-

1.The District Collector,
Karur District,
Karur.

2.The Tahsildar,
Taluk Office,
Aravakurichi Taluk,
Karur District.

3.The Village Administrative Officer,
Periyamanjuveli Village,
Aravakurichi Taluk,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second and third respondents to issue agricultural property, rough sketch and tax receipts relating to agricultural field in S.No.455/1A situate at Periyamanjuveli Village, Aravakurichi Taluk, Karur District for the purpose of getting agricultural free electricity connection, on the basis of the petitioner's representation dated 23.09.2020.

For Petitioner : Mr.S.Deenadhayalan
For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the second and third respondents to issue agricultural property certificate, rough sketch and tax receipts relating to petitioner's agricultural field in S.No.455/1A situate at Periyamanjuveli Village, Aravakurichi Taluk, Karur District for the purpose of getting agricultural free electricity connection, on the basis of his representation dated 23.09.2020.



2. Heard the learned Counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader, who took notice for the respondents. By consent of both sides, the Writ Petition is disposed of at the admission stage itself.

WEB COPY

3. According to the petitioner, in the family partition, he was allotted with agricultural properties in S.No.455/1A and thereafter, he got the revenue records mutated in his name in respect of the said land and patta was also issued in his name bearing No.803. Therefore, in order to obtain free agricultural electricity connection, the petitioner made an application on 14.08.2000. By considering his seniority, on 15.07.2020, he received a communication from the Executive Engineer, Tamil Nadu Electricity Board, Karur, asking the petitioner to express his readiness and willingness for getting Free Agricultural Electricity Connection and also to produce agricultural land certificate, rough sketch and revenue tax receipts issued by the second and third respondent and also patta stands in his name. After receiving the said communication, the petitioner had approached the second and third respondents, for which, they have orally refused to issue such certificates stating that the petitioner's sister has filed a civil suit in O.S.No.979 of 2019 on the file of the Principal Sub Judge, Karur, arraying the revenue officials as party to the suit and the same is pending. According to the petitioner, already the petitioner had filed a suit in O.S.No.516 of 2015 on the file of the learned Additional District Munsif, Karur and obtained interim injunction on the basis of his possession and enjoyment of the properties. Further, the sister of the petitioner had already executed a release deed on 20.10.2008 relinquishing her right over the family properties. However, by suppressing the same, she had instituted the present civil suit in O.S.No.979 of 2019 wherein no interim order has been passed restraining the official respondents to issue any certificate to the petitioner or anybody. In such case, the respondents cannot reject the request of the petitioner by citing the pendency of civil suit. Since the request of the petitioner has not evoked any response from the respondents 2 and 3, he is before this Court.

4. Considering the fact that the petitioner's sister had already executed a registered release deed on 20.10.2008 wherein the property in question was also referred to, this Court is of the view that after releasing the property, whether the petitioner's sister is entitled to have any objection over the said property, is a point to be considered by the appropriate Civil Court in the pending suit. However, subject to the result of the pending suit, the representation of the petitioner dated 23.09.2020 may be considered by the authorities concerned and decide the same in accordance with law within a period of 120 days from the date of receipt of a copy of this order.



5.With the above direction, this Writ Petition is disposed of.
No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (crl side)

/ /2021

Sub Assistant Registrar(CS)

SRM

To

- 1.The District Collector,
Karur District,
Karur.
- 2.The Tahsildar,
Taluk Office,
Aravakurichi Taluk,
Karur District.
- 3.The Village Administrative Officer,
Periyamanjuveli Village,
Aravakurichi Taluk,
Karur District.

W.P (MD) No.15858 of 2020
10.11.2020

VB (16.02.2021) 3P 4C