



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.25165 of 2018

Ramaiah

...Petitioner

Vs.

1.The Assistant Engineer,
Tamil Nadu Electricity Board Distribution (TANGEDCO),
Thethampatti Sub Division,
Natham Town, Natham, Dindigul District.

2.Perumal
3.Natchammal
4.Alagi
5.Boopathi
6.Chinnasamy
7.Alagar

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to grant new electricity service connection to the petitioner's house in Door No.4/137F, situated at Alagapuri, Pudur Village, Natham Taluk, Dindigul District, based on the petitioner's representation dated 19.11.2018.

For Petitioner	: Mr.G.Gomathi Sankar
For R-1	: Mrs.M.Rajeswari for Mr.S.M.S.Johny Basha
For R-2	: Mr.P.Vairava Sundaram
For R-3	: Mr.V.Suresh Kanna
For R-4, R-5 & R-7	: Mr.V.P.Rajan

ORDER

Heard the learned counsel on either side.

2.The petitioner is the son of one Logan. The said Logan got married to as many as three persons. The petitioner and the sixth respondent Chinnasamy were born to Logan through his second wife. The respondents 3 to 5 and 7 were born to Logan through his third wife.

3.The petitioner states that he is in possession of the petition mentioned house and wants the first respondent to provide



electricity connection for the same. Since the first respondent has not accepted the petitioner's request in view of the objections lodged by the other private respondents, this Writ Petition came to be filed.

4.The learned counsel appearing for the petitioner reiterated the contentions set out in the affidavit filed in support of the Writ Petition.

5.The stand of the writ petitioner is vociferously opposed by the learned counsel appearing for the respondents 3 to 5.

6.The learned counsel appearing for the second respondent states that the second respondent is not interested in the dispute on hand.

7.The learned Standing counsel appearing for the Tamil Nadu Electricity Board Distribution (TANGEDCO) also supported the stand taken by the learned counsel appearing for the respondents 3 to 5. It is seen that the Electricity Board as well as the respondents 3 to 5 categorically assert that the petitioner is residing in the Village and not in the petition mentioned garden.

8.The learned counsel appearing for the respondents 3 to 5 drew my attention to the fact that the father of the parties namely Logan had already settled the land in question in favour of the respondents 3 to 5. The petitioner and the sixth respondent / Chinnasamy had filed O.S.No.11 of 2017 questioning the same but it was later withdrawn with liberty to file a fresh suit. The first respondent as well as the respondents 3 to 5 challenge the assertion of the petitioner that he is residing in the petition mentioned premises. According to him, the petition mentioned premises is only a shed put up in the garden. The petitioner also states that the land on which the superstructure is standing said to have been settled by Logan in favour of the respondents 3 to 5. Inasmuch as the petitioner's possession itself is under serious challenge, I am not in a position to go into the said disputed issue. It is for the petitioner to establish his possessory rights in a duly instituted in the suit. Only thereafter, his case for grant of electricity connection can be considered. Since the petitioner's possession itself has not been established, I am not in a position to grant the relief sought for. Leaving open the petitioner's rights to institute a suit, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Tsg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

ORDER MADE IN
W.P. (MD) .No.25165 of 2018
16.07.2020

VB (24.07.2020) 3P 1C