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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.24029 OF 2021

AND

W.M.P.NOS.25342 AND 25344 OF 2021

K.Velusamy

... Petitioner

.Vs.

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Ltd
Anna Salai, Chennai- 600 002.
2. The Superintending Engineer
Tamil Nadu Generation and Distribution
Corporation Ltd.
Udumalpet Taluk,
Tiruppur District.
3. The Junior Electrical Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Erisanampatti Village,
Udumalpet Taluk,
Tiruppur District.
4. The Tashildar
Udumalpet Taluk,
Tiruppur District.

5. K.Malaiyappan

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 1 to 3 from providing electricity service connection in the name of 5th respondent to the well in petitioner's land at S.F.No.26/2 in Valayapalayam Village of Udumalpet Taluk in Tiruppur District



without obtaining my consent by considering petitioner's representation dated 11.10.2021.

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For Petitioner : Mr.Marudhu
for Mr.N.Ponraj

For Respondents: Mr.M.Abdul Kalam for R1 to R3
Standing Counsel
Mr.M.R.Gokul Krishnan for R4
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents 1 to 3 from providing electricity service connection in the name of fifth respondent to the well in petitioner's land at S.F.No.26/2 in Valayapalayam Village of Udumalpet Taluk in Tiruppur District without obtaining my consent by considering petitioner's representation dated 11.10.2021.

2.The case of the petitioner is that the petitioner is the owner of the lands measuring 1.62 acres in S.F.No.26/2 in Valayapalayam Village of Udumalpet Taluk in Tiruppur District and the fifth respondent is the adjacent land owner and he is the elder brother of the petitioner. According to the petitioner, since there was no fixed boundary, the fifth respondent trespassed into his land and dug a well in his land and also attempted to get electricity service connection from the third respondent to the well and the same was objected by the petitioner. Thereafter, the petitioner made representation to the respondents 2 and 3 seeking to give service connection to the well in his land and also requested to not to give service connection in the name of the fifth respondent and since there was no action, has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that admittedly there is no boundary line fixed inbetween the petitioner's land and fifth respondent's land and would further submit that unless the issue inbetween the petitioner and the fifth respondent is settled, granting electricity service connection in favour of the fifth respondent is not sustainable.

4.The learned Government Advocate appearing for the fourth respondent would submit that already for the very same dispute, the petitioner has filed O.S.No.280 of 2019 before the District



Munsif Court, Udumalaipet and instead of waiting for appropriate orders from the Civil Court, the petitioner has filed this writ petition which is un-sustainable one.

5. Heard the submissions made by the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for R1 to R3 and the learned Government Advocate appearing for the fourth respondent.

6. The facts in the present case is not in dispute. Admittedly, the petitioner and the fifth respondent are brothers. According to the petitioner, if electricity service connection is granted in favour of the fifth respondent, it will affect his interest. The petitioner claims that the fifth respondent trespassed into his lands and dug a well, however, no complaint has been made by the petitioner before the law enforcing agency with regard to the trespass made by the fifth respondent. Further, the issue involved is disputed question of fact that has to be agitated before the competent civil forum and the petitioner has already approached the competent civil forum.

7. In view of the above, this Court is not inclined to grant the relief sought for in this petition. The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Ltd
Anna Salai, Chennai- 600 002.
2. The Superintending Engineer
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Corporation Ltd.
Udumalpet Taluk,
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3. The Junior Electrical Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Erisanampatti Village,
Udumalpet Taluk,
Tiruppur District.

4. The Tashildar
Udumalpet Taluk,
Tiruppur District.

+1cc to Mr.N.Ponraj, Advocate, S.R.No.58399
+1cc to the Government Pleader, S.R.No.58164

W.P.No.24029 of 2021
And
W.M.P.Nos.25342 and 25344 of 2021

PM(CO)
PM/15/12/2021