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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 1.7.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26208 of 2017
and W.M.P.No.27853 of 2017

Muthusamy Gounder
S/o.Chinna Kumarasamy Gounder
Kuppanaickkenpatti Navanari
Periyakumarapalayam Post,
Dharapuram Taluk, Tiruppur District. ... Petitioner

Vs.

- 1 The Superintending Engineer,
Tamilnadu Electricity Board,
Tamilnadu Generation and Electricity Distribution
Corporation Ltd., Udumalpet, Udumalpet Taluk,
Tiruppur District
- 2 The Executive Engineer,
Tamilnadu Electricity Board,
Tamilnadu Generation and Electricity Distribution
Corporation Ltd., Dharapuram,
Dharapuram Taluk, Tiruppur District.
- 3 The Assistant Executive Engineer,
Tamilnadu Electricity Board,
Tamilnadu Generation & Electricity Distribution
Corpn. Ltd. Kallivalasu Kundadam,
Dharapuram Taluk, Tiruppur District
- 4 The Junior Engineer
Tamilnadu Electricity Board,
Tamilnadu Generation & Electricity Distribution
Corpn. Ltd. Marudhur, Kallivalasu,
Dharapuram Taluk, Tiruppur District.
- 5 Chinnasamy
S/o.Velusamy @ Marappa Gounder
Kuppanaickkenpatti, Navanari,
Periyakumarapalayam Post,
Dharapuram Taluk, Tiruppur District. ... Respondents



Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from effecting electricity service connection in the name of the 5th respondent herein for the open well situated in common land in R.S.Nos.93/1A, 93/1C (Old S.No.24/A), Navanari Village, Dharapuram Taluk, Tiruppur District.

For Petitioner : Mr.C.Prakasam
For Respondent No.1to4 : Mr.D.Krishna Pradeep,
Standing Counsel
for T.N.E.B.
For Respondent No.5 : Mr.V.Vijayakumar

O R D E R

According to the petitioner, petitioner is joint owner of land in S.No.24-A admeasuring 4.41 acres of dry lands. Petitioner's grandfather Ramasamy Gounder purchased 1.90 acres of land situated in Old S.No.24-A, Navanari Village, Dharapuram Taluk, Tiruppur District from one Nachimuthu Gounder on 1.9.1931 and he was put in possession of 1.90 acres out of 4.41 acres of property. The remaining lands belongs to 5th respondent. There is dispute with regard to partition among the 5th respondent as well as his brother Narayanasamy. Therefore, suit has been filed in O.S.No.100 of 2017 on the file of Sub Court, Dharapuram and the same is pending for partition. In such circumstances, when the dispute regarding the subject matter of the property is still pending before the Sub Court, the 5th respondent has applied for electricity service connection for newly digwell. The petitioner has objected on the ground that the dispute regarding the subject matter of the property is still pending before the Sub Court, Dharapuram. Therefore, the petitioner has approached this Court for forbearing the respondent Electricity Board from effecting electricity service connection.

2. The learned counsel appearing for the 5th respondent admitted the dispute regarding subject matter of the property is still pending before the Civil Court for partition and he applied for electricity service connection for newly digwell. In so far as the Patta No.554 in respect of the land in R.S.Nos.93/1A, 93/1C relied upon by the petitioner, petitioner's name Muthusamy Gounder is not found in the said patta. Therefore, he made objection in respect of the other properties in S.No.93/1A, 93/1C. He further submitted that any dispute regarding the property which is subject matter of the suit and if any electricity service connection effected, same shall be the subject to the judgment passed in the aforesaid suit.

3. Both the petitioner and the 5th respondent agreed that if any electricity service connection effected in the subject



matter of the property in the aforesaid suit, same shall be subject to the judgment passed in the aforesaid suit.

4. Taking note of the aforesaid fact, this Court is inclined to direct the respondent Board to consider the petitioner's application for effecting electricity service connection if otherwise reaches seniority, after giving an opportunity to any other interested persons if necessary. The said exercise shall be completed within a period of 12 weeks from the date of receipt of copy of this order. It is made clear that any electricity service connection effected to the 5th respondent, will be subject to the outcome of the judgment passed in the suit in O.S.No. 100 of 2017 pending on the file of Sub Court, Dharapuram.

5. The writ petition stands disposed of with the above directions. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintending Engineer,
Tamilnadu Electricity Board,
Tamilnadu Generation and Electricity Distribution Corporation
Ltd.,
Udumalpet, Udumalpet Taluk, Tiruppur District

2.The Executive Engineer,
Tamilnadu Electricity Board,
Tamilnadu Generation and Electricity Distribution Corporation
Ltd.,
Dharapuram, Dharapuram Taluk, Tiruppur District.

3.The Assistant Executive Engineer,
Tamilnadu Electricity Board,
Tamilnadu Generation & Electricity Distribution Corpn. Ltd.
Kallivalasu Kundadam, Dharapuram Taluk, Tiruppur District.

4.The Junior Engineer
Tamilnadu Electricity Board,
Tamilnadu Generation & Electricity Distribution Corpn. Ltd.
Marudhur,
Kallivalasu, Dharapuram Taluk, Tiruppur District.



Copy to:

The Sub Court, Dharapuram.

+1cc to Mr.V.VijayaKumar, Advocate SR.No. 31151

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B.VC (23.07.2021)

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