



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8599 of 2021

WEB COPY

Shanmugavel

... Petitioner

Vs.

The Assistant Engineer,
TANGEDCO,
Devakottai South Rural,
Sivagangai District.

... Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to provide new Electricity Service Connection to the petitioner's house comprised in Old Survey No.238/1, New Survey No.238/1C in Patta No.844, situated at Erozhivayal Village, Kannankottai Panchayat, Devakottai Taluk, Sivagangai District, based on the representation dated 26.03.2021, within a stipulated time fixed by this Court.

For Petitioner : Mr.A.Arputharaj

For Respondents : Mrs.Rajeswari for
Mr.S.M.S.Johnny Basha
Standing Counsel

ORDER

This writ petition has been filed for the issuance of a Writ of Mandamus, directing the respondent to consider the representation made by the petitioner, wherein, the petitioner has sought for electricity service connection for the superstructure put up by him in the subject property.

2.The case of the petitioner is that his grandfather executed an unregistered settlement deed in favour of the petitioner in the year 2018. Thereafter, the petitioner constructed a house and he approached the respondent, seeking for electricity service connection. Since the same was not granted, the present writ petition has been filed before this Court.

3.The learned Standing Counsel appearing on behalf of the respondent submitted that the application given by the petitioner was closed by the respondent, on 01.04.2021, on the ground that the petitioner did not place any material to show that he has any right over the property or he is in possession and enjoyment of the same. The learned counsel further submitted that there is already a civil suit pending between the parties and the grandfather, who is said to have given a settlement deed in favour of the petitioner, has



opposed giving any electricity service connection to the petitioner.

4.In the considered view of this Court, the petitioner must produce some materials before the respondent to point out that he has obtained proper permission for the construction put up by him. Unless the same is established, the respondent cannot mechanically grant electricity service connection. Admittedly, the patta stands in the name of the grandfather of the petitioner and the only document, which is relied upon by the petitioner is an unregistered settlement deed executed by the grandfather. Now the grandfather is opposing the grant of electricity service connection in the name of the petitioner.

5.In view of the above, it is left open to the petitioner to submit a fresh application to the respondents along with necessary particulars regarding the sanction obtained in his name for putting up the construction in the subject property. If the necessary materials are placed before the respondent, the same can be considered by the respondent and a decision can be taken.

6.This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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.

TO

The Assistant Engineer,
TANGEDCO,
Devakottai South Rural,
Sivagangai District.

Order made in

W.P. (MD) .No.8599 of 2021

24.06.2021

KK(01.07.2021) 2P 2C