



WEB COPY

W.P.(MD)No.10207 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 17.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.10207 of 2021

and W.M.P. (MD) No.7916/2021

(Through Video Conferencing)

E.Balasubramanian

... Petitioner

Vs.

1.The Assistant Engineer
(Operation and Maintenance)
TANGEDCO
Pudukottai
Tuticorin District. 628 103

2.Kumaravel

3.Samikumar

... Respondents

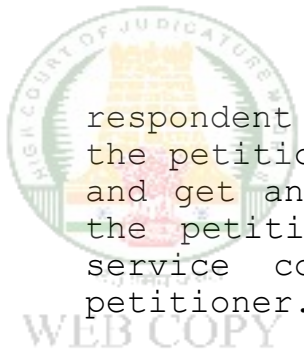
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to not to issue any new electricity connection in the name of the 3rd respondent for the undivided property ad-measuring to the total extent of Hectares 0.09.5 (23.465 cents) having patta No.1670 comprised in Survey No.236/12 situated at Varthagareddypatti, Tuticorin Taluk and district.

For Petitioner :Mr.S.Ramakrishnan
For Respondents :Ms.Rajeswari for
M/s.S.M.S.Johnny Basha
Standing counsel for R1

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first respondent not to grant any electricity service connection in the name of the third respondent with respect to the subject property.

2.The grievance of the petitioner is that the property in question is an undivided property and even the patta stands jointly in the name of the petitioner and his brother. According to the petitioner, the second respondent, who is the brother of the petitioner, executed a sale deed in favour of the third respondent and the third respondent is now attempting to put up a construction in the property and also obtain service connection from the first respondent. The petitioner made a representation to the first respondent not to grant any service connection and the first



respondent through letter dated 18.05.2021 categorically informed the petitioner that the petitioner has to approach a competent Court and get an order and unless such a restraint order is produced by the petitioner, the first respondent cannot refuse to grant the service connection merely based on the representation of the petitioner.

3. In the considered view of this Court, the view taken by the first respondent through his letter dated 18.05.2021 is perfectly in accordance with law. The petitioner has to necessarily approach the competent civil Court and work out his remedy. Till the same is done, the petitioner cannot stop the first respondent from performing his statutory duty. Except giving liberty to the petitioner to approach the competent civil Court, no further orders can be passed in this writ petition.

4. This writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

RR

To

The Assistant Engineer
(Operation and Maintenance)
TANGEDCO
Pudukottai
Tuticorin District. 628 103

+1 CC to M/s.B.RAMAKRISHNAN, Advocate (SR-19489[F] dated 17/06/2021)

W.P. (MD)No.10207 of 2021

17.06.2021

GS (25.06.2021) 2P 3C

<https://hcservices.ecourts.gov.in/hcservices/>