



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2021

CORAM

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18284 of 2021

V.Abraham

... Petitioner

Vs.

1.The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
TANGEDCO,
Nagercoil,
Kanyakumari District.

2.The Executive Engineer,
Kanyakumari Electricity Distribution Circle,
TANGEDCO,
Nagercoil,
Kanyakumari District.

3.The Assistant Engineer,
Distribution,
TANGEDCO,
Karungal - 629 157,
Kanyakumari District.

... Respondents

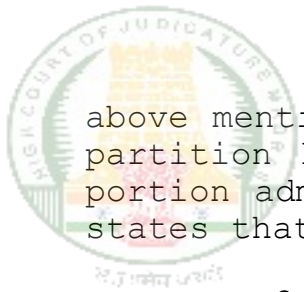
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondents to grant electricity service connection for the petitioner's wife memorial graveyard situated in Survey No.543/8, Paloor Village, Killiyoor Taluk, Kanyakumari District by considering the petitioner's representation dated 06.07.2021.

For Petitioner : Mr.A.Mohamed Haneef
For Respondents : Ms.M.Parameswari,
For Mr.S.M.S.Johnny Basha
Standing Counsel for TANGEDCO

ORDER

The petitioner seeks an electricity service connection in respect of his wife's memorial graveyard at Survey No.553/8, Paloor Village, Killiyoor Taluk, Kanyakumari District.

2. According to the petitioner, he is entitled to a share in the property, admeasuring a total extent of 1 acre 3 cents in the



above mentioned survey number. The petitioner asserts that an oral partition by metes and bounds was effected and that the Southern portion admeasuring 42.91cents was allotted to his family. He also states that the revenue record stands in his name.

3. According to the petitioner, he requested the TANGEDCO to provide an electricity service connection, but there has been no response in spite of a representation dated 06.07.2021. The present Writ Petition is filed in the said facts and circumstances.

4. Ms.Parameswari, learned counsel appearing for Mr.S.M.S.Johnny Basha, learned Standing Counsel, appears on behalf of all the respondents. On written instructions, she submits that Patta No.3594 has been issued jointly to 33 persons. Therefore, the TANGEDCO was unable to act on the petitioner's representation.

5. As pointed out by learned counsel for the TANGEDCO, Patta No.3594, which pertains to the property bearing Survey No.543/8, has been issued to 33 persons, including the petitioner. The total extent of the said survey number is 31 ares. The petitioner relies upon an oral partition in terms of which 42.91 cents in the Southern portion of the larger extent was allotted to his share. Therefore, the petitioner should provide evidence of such oral partition and, in particular, evidence to indicate the portion allotted to him. If such evidence is provided, the respondents shall consider the petitioner's request.

6. Accordingly, W.P.(MD).No.18284 of 2021 is disposed of by permitting the petitioner to provide evidence with regard to the portion of 42.91 cents allotted to him by way of partition. Such evidence shall be provided within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the respondents are directed to consider the petitioner's request and dispose of the same by a reasoned communication within a period of two (2) weeks from the date of receipt thereof. There shall be no order as to costs.

Sd/-

Assistant Registrar (CRL)

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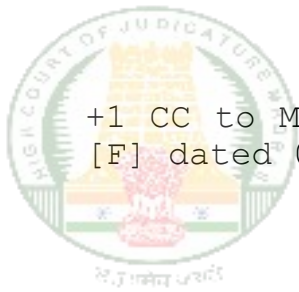
/ /2021

Sub Assistant Registrar(CS)

tsg/nsr/LM

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

<https://hcservicescentre.gov.in/hcservices> concerned.



W.P(MD)No.18284 of 2021

+1 CC to M/s.A. MOHAMED HANEEF, Advocate (SR-33459
[F] dated 01/11/2021)

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01.11.2021

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