



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2022

CORAM :

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.NO.11953 OF 2022

AND

W.M.P.NO.11374 OF 2022

A.Ganesan

.. Petitioner

Vs.

1. The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Belur - I, Valapady Taluk
Salem- 636 104.

2. Malar
3. Dhanapal
4. Alagarasan
5. Pannerselvam
6. Vanitha

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 08.04.2022 and pass an order rejecting the application submitted by the respondents 2 to 6 for electricity connection to the illegal construction constructed on the common pathway measuring 12 feet width and 150 feet length which was part and parcel of decree in O.S.No.983 of 1997 and O.S.No.1095 of 1997 dated 28.11.2014.

For Petitioner	:	Mr.K.Srinivasamurthy for M/s.Row and Reddy
For Respondents	:	Ms.Keerthi for Mr.Abul Kalam for R-1



ORDER

This writ petition has been filed by the petitioner to direct the first respondent to consider the petitioner's representation dated 08.04.2022 and pass an order rejecting the application submitted by the respondents 2 to 6 for electricity connection to the illegal construction constructed on the common pathway measuring 12 feet width and 150 feet length which was part and parcel of decree in O.S.No.983 of 1997 and O.S.No.1095 of 1997, dated 28.11.2014.

2. The petitioner has purchased the property in question from Pavayammal, who is the wife of Ramasamy, by a registered sale deed on 27.01.2010. Thereafter, he also purchased the share of property from Ramasamy on 27.01.2010. The said Pavayammal and Ganesan filed a civil suit before the II Additional District Munsif Court, Salem in O.S.No.983 of 1997 for declaration and permanent injunction, to declare that the plaintiffs therein are entitled to the suit property as per the settlement deed, dated 24.04.1974 and also prayed to pass an order of permanent injunction thereon to restrain the defendants 1 to 3 therein and their men from in any way trespassing into the suit property.

3. Furthermore, another suit was filed in O.S.No.1095 of 1997 before the said Munsif Court, by the said Pavayammal, Ganesan and others, seeking for declaration and permanent injunction to declare that the plaintiffs therein have acquired a right of prescription over the suit path-way and to restrain the first defendant from in any way interfering with the peaceful enjoyment of the suit A B C D path-way by the plaintiffs therein, by way of permanent injunction either by way of obstructing or preventing or by way of obliterating the suit path-way.

4. Pending the above suit in O.S.No.1095 of 1997, an Advocate Commissioner was appointed to earmark the path-way in the suit property and a report, dated 04.08.1998 was submitted by him, in which it was specifically mentioned that a path-way to a width of 12 feet and length of 150 feet was earmarked.

5. The learned II Additional District Munsif, Salem, partly decreed the suit in O.S.No.983 of 1997 and decreed the suit in O.S.No.1095 of 1997 by way of common judgment, dated 28.11.2014.

6. Since one of the defendants in O.S.No.983 of 1997, namely, Kandasamy started to illegally construct a hollow-block shed in the middle of the path-way by obstructing the petitioner's ingress and egress to his property, the petitioner sent a representation on 08.04.2022 to the first respondent not



to approve the application seeking for electricity connection, and as the same was not considered, the present Writ Petition is filed for the relief stated supra.

7. Heard both sides and perused the materials available on record.

8. The learned Standing Counsel appearing for the first respondent submitted that no such application seeking electricity connection was received from the respondents 2 to 6.

9. Taking into consideration the above submission of the learned Standing Counsel appearing for the first respondent, and without going into the merits of the matter, if at all any such application of the respondents 2 to 6 seeking electricity connection, is received by the first respondent-TANGEDCO, they shall hear the objections of the petitioner, and also hear the respondents 2 to 6 and concerned party, if any, and dispose of the said application/representation dated 08.04.2022, on merits and in accordance with law, as expeditiously as possible.

10. With the above observations and direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P. is closed.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

cs/drm

To

The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Belur - I, Valapady Taluk
Salem- 636 104.

+1cc to M/s.Row and Reddy, Advocate, S.R.No.31140

W.P.No.11953 of 2022

PA (CO)
PM/16/05/2022