



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.13549 of 2010
and
M.P(MD)No.1 of 2010

P.Balraj

... Petitioner

Vs

1.The Junior Engineer,
Distribution /TNEB,
J-235 / Town - II,
Thalaiyuthu - 627 357.
Tirunelveli.

2.The Executive Engineer,
Tirunelveli Rural,
Maharaja Nagar,
Tirunelveli - 11.

... Respondents

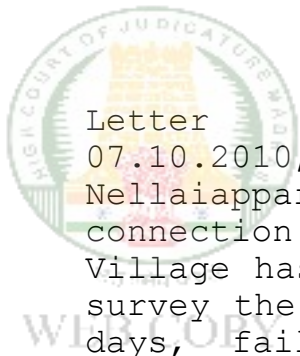
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari, to call for the records in Letter No.J.E/Dis/Town-II/Thalai/Co.Ka./Aa.no.366/10, dated 07.10.2010, on the file of the first respondent herein and quash the same.

For Petitioner : Mr.N.Mohideen Basha
For Respondents : Mr.Deenadhayalan
Standing Counsel

O R D E R

This writ petition has been filed challenging the communication of the first respondent, directing the petitioner to furnish the necessary revenue records pertaining to the petitioner's agricultural land, where service connection has been provided by the respondent Board.

2.The case of the petitioner is that the petitioner is the owner of the agricultural land in Survey No.292/2 at Thenkalam Village. He is in possession and enjoyment of the property for the past 19 years. On submission of necessary revenue records pertaining to the above said land, the electricity service connection has been granted to the petitioner on 25.08.2010, by the respondent Board. At this juncture, the respondent Board has sent a communication in



Letter No.J.E/Dis/Town-II/Thalai/Co.Ka./Aa.no.366/10, dated 07.10.2010, stating that objection from the authorities of Arulmigu Nellaiappar Gandhimathiammal Temple on grant of electricity service connection to the agricultural land in Survey No.292/4, Thenkulam Village has been received and hence, the petitioner was directed to survey the aforesaid land and submit the revenue records, within 30 days, failing which, service connection will be disconnected. Aggrieved over the said communication, the petitioner has come up with this present writ petition.

3.The learned Standing Counsel appearing for the respondents submits that this writ petition is filed challenging the communication issued to the petitioner to submit necessary revenue records of the subject land, after surveying it. The petitioner can very well take steps for measuring the land and submit the revenue records, but without doing so, he has straightaway filed this writ petition and therefore, this writ petition is not maintainable in view of the decision of the Hon'ble Supreme Court in **Union of India vs. Kunishetty Satyanarayana [(2006) SCC 28]**.

4.Considering the materials placed on record and the submission of the learned Counsel for the respondents that vide communication impugned in this writ petition, the petitioner has been directed to submit revenue records of the subject land, after completing survey, this writ petition is disposed of with a direction to the petitioner to submit the revenue records to the first respondent within a period of three weeks from the date of receipt of a copy of this order and on receipt of such revenue records, the first respondent shall take a decision, after hearing the temple authorities concerned within a period of four weeks thereon. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

To

1.The Junior Engineer,
Distribution /TNEB,
J-235 / Town - II,
Thalaiyuthu - 627 357.
Tirunelveli.



2.The Executive Engineer,
Tirunelveli Rural,
Maharaja Nagar,
Tirunelveli - 11.

WEB COPY

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-15833[F] dated
31/03/2022)

W.P(MD)No.13549 of 2010
and
M.P(MD)No.1 of 2010
30.03.2022

SG(CO)
TR(06.05.2022) 3P 4C