



W.P.(MD)No.18517 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18517 2021

Sellaiya

... Petitioner

Vs.

1. The Superintendent Engineer,
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
Pudukottai District.
2. The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
Kattumavadi Road,
Aranthangi,
Pudukottai District.
3. The Assistant Electrical Engineer,
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
Kattumavadi Road,
Nagudi Post,
Aranthangi Taluk,
Pudukottai District.



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4. The Executive Engineer,
The Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
Aranthangi,
Pudukottai District.

5. Sundarambal

... Respondents

(R5 is impleaded vide Court order dated
12.08.2022 in W.M.P(MD)No.19251 of 2021 in
W.P.(MD)No.18517 of 2021 by GRSJ)

PRAYER: Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus directing the respondents to give
electricity connection to petitioner's borewell in Survey No.343/1A situated
at Kidangivayal Village, Avudayarkovil Taluk, Pudukottai District, based on
the petitioner's applications dated 23.03.2020, 23.09.2020 and
representation dated 18.08.2021.

For Petitioner : Ms.M.Benazir Begum
for Mr.Srinivasaragavan

For Respondents : Mr.S.Deenadhayalan for R1 to R4
Mr.J.Lenin Kumar for R5



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ORDER

Heard the learned counsel on either side.

2. The petition mentioned land belonged to one Mahalingam. He was blessed with five sons and two daughters. One of the sons, namely, Irullappan, passed away and the petitioner impleaded Irullappan's wife as the fifth respondent. The petitioner had applied under Tatkal Scheme for getting electricity connection for petition mentioned borewell. He also paid a sum of Rs.3,00,000/- (Rupees Three Lakhs only). All the formalities have been concluded. On account of the objection raised by the fifth respondent, further work could not proceed. That lead to the filing of this Writ Petition.

3. When the matter was taken up for hearing, I wanted to know on what basis, the petitioner was claiming exclusive right over the petition mentioned property. The learned counsel for the impleaded respondent pointed out that though the patta stands in the name of the writ petitioner, it was wrongly issued and that since has been cancelled, at present the



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property is in the name of Mahalingam. The petitioner will have to establish his claim only before the Jurisdictional Civil Court by filing a partition suit or declaration suit. But, the 1/7th right of the writ petitioner cannot be denied. Likewise, the 1/7th share of the fifth respondent also cannot be denied. Inasmuch as the writ petitioner had paid a sum of Rs.3,00,000/- (Rupees Three Lakhs only), the fourth respondent shall give electricity connection in the name of the writ petitioner. I make it clear the fact that the electricity connection stands in the name of the writ petitioner will not confer any right as such. The petitioner before this Court concedes that the fifth respondent will be entitled to 1/7th share in the water yield. The petitioner undertakes to file an appropriate affidavit in this regard before this Court. I make it clear that if the petitioner resiles on the undertaking and acts against the interest of the fifth respondent, further consequences will follow. Subject to the filing of the undertaking, this Writ Petition is allowed and the fourth respondent is directed to provide electricity connection for the petition mentioned borewell in the name of the writ petitioner.



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4. Accordingly, this Writ Petition is allowed. No costs.

29.08.2022

Index : Yes / No

Speaking Order : Yes / No

vji

Note: Issue order copy by **02.09.2022**



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G.R.SWAMINATHAN, J.

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