



W.P.(MD)No.23899 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2022

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THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23899 of 2022

P.Pathumalayan

.. Petitioner

Versus

1.The Superintending Engineer,
TANGEDCO,
Sivagangai,
Sivagangai District.

2.The Assistant Executive Engineer,
TANGEDCO,
Malampatti Section,
Sivagangai,
Sivagangai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to provide electricity service connection to the petitioner's dwelling house, situated in S.No.331/1 at Kamarajar Colony, Kaanjirangal Panchayat, Sivagangai District, based on the petitioner's representation dated 07.10.2022.

For Petitioner : Mr.C.Ganesh Kumar

For Respondents : Mr.S.Deenadhayalan
Standing Counsel



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ORDER

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2. According to the learned counsel for the petitioner, the petitioner, who is a practicing Advocate in District Courts at Sivagangai and nearby Districts, purchased a house site, measuring an extent of 1000 sq.ft. situated in S.No.331/1 at Kamarajar Colony, Kaanjirangal Panchayat, Sivagangai District from one Ukkirapandian for a consideration of Rs.1,50,000/- through unregistered sale deed on 22.09.2020. Subsequently, he put up a tiled roof house in the said property and his son is studying 9th Standard at Sivagangai. In order to obtain an electricity service connection, he submitted an application to the respondents and paid the requisite fees on 10.02.2021 through online. However, there was no proper response from the respondents. Hence, the petitioner sent a representation dated 07.10.2022 to the respondents, seeking electricity service connection to his dwelling house. Since the same has not been considered so far, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.



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3. From the documents available on record, it is seen that the petitioner had purchased the said property through an unregistered document. The petitioner's application seeking electricity service connection has already been rejected by the authorities concerned on 01.03.2021 on the ground that one S.Kannan had made an objection to give electricity service connection to the petitioner's house. Thereafter, the petitioner has approached the Consumer Grievance Redressal Forum, Sivagangai, and filed Petition No.55 of 2021, and the same has been closed, vide order dated 02.03.2022, on the ground that the said property belongs to Gowri Vinayagar Temple, Sivagangai and also based on the objection already made by the said S.Kannan to give electricity service connection to the petitioner's house. Thereafter, the petitioner has also not submitted any relevant documents to refuse the same and reply.

4. Further, the District Revenue Officer-cum-Additional District Magistrate, Sivagangai, vide his proceedings, dated 06.05.2022, directed the authorities concerned to implement the order passed by this Court in W.P. (MD)No.14428 of 2017, vide its order 12.02.2018, wherein this Court directed the Secretary to Government, Revenue Department, Chennai, to instruct all the Tahsildars or District Revenue Officers, as the case may be, to take steps to alter the Patta granted to the beneficiaries of illegal transfer of land or possession and restore the name of the Temple with further direction to refrain



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from issuing Patta without getting written communication from the H.R & CE Department related to the Temple lands and commence the said process within four weeks from the date of receipt of a copy of that order. Further, the Revenue Divisional Officer, Sivagangai, directed to sub-divide the property in S.No.331 and issue a joint Patta in respect of 6.12 Acres of land in favour of one Kanagasabapathi, S/o.Periyakaruppan and Muthaiah Ambalam, S/o.Muthan Ambalam and also to issue Patta in respect of 5.16 Acres of land in favour of Sivagangai Gowri Vinayagar Temple, H.R. & C.E. Department.

5. In view of the above, the petitioner cannot claim electricity service connection to the house constructed in the land belongs to the Temple. If the petitioner gives a No Objection Certificate obtained from the Temple and also an indemnity bond, his request for electricity service connection may be considered.

6. This Writ Petition stands disposed of with the above observation. No costs.

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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