



WEB COPY



W.P.No.2773 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 03.04.2023**

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

**W.P.No.2773 of 2020**

**and**

**W.M.P.No.3223 of 2020**

M.Muniraj

... Petitioner

Vs.

1. The Superintendent of Engineer,  
TANGEDCO,  
Hosur Taluk,  
Krishnagiri District.
2. The Assistant Executive Engineer,  
TANGEDCO,  
Bagalur Town and post,  
Hosur Taluk,  
Krishnagiri District.
3. The Assistant Engineer,  
TANGEDCO,  
Bagalur Town and post,  
Hosur Taluk,  
Krishnagiri District.
4. The Divisional Engineer,  
TANGEDCO,  
Rayakottai Road,  
Hosur Taluk,  
Krishnagiri District.



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5. Gopalappa

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from granting electricity connection in respect of land in Survey No.82/5B, an extent of Ac.0.31 cents including Ac.0.03 cents of land belonging to the petitioner's in new sub division survey No.82/5A to the 5<sup>th</sup> respondent by considering the petitioner's representation dated 03.08.2019.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.L.Jai Venkatesh for R1 to R4

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### **ORDER**

This writ petition has been filed seeking for issuance of a writ of mandamus to forbear the respondents 1 to 4 from granting electricity connection in respect of land in Survey No.82/5B, an extent of Ac.0.31 cents including Ac.0.03 cents of land belonging to the petitioner's in new sub division survey No.82/5A to the 5<sup>th</sup> respondent by considering the petitioner's representation dated 03.08.2019.

2. It is the case of the petitioner that the property situated at S.No.82/5 situated in Bellathur Village to an extent of Ac.0.56 cents was originally



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owned by one Kempaiah and upon the death of the said Kempaiah the said property devolved on his sons by means of partition deed and divided into 5 equal shares as schedule A, B, C, D and E. The petitioner's father had purchased the C Schedule properties. It is further the case of the petitioner that his father passed away leaving behind his wife and seven children. Thereafter, the legal heirs of the deceased executed the release deed vide Document No.1356 of 2018 dated 17.01.2018 in favour of the petitioner and his brother in respect of the land bearing S.No.82/5 in new Sub division S.No.82/5A of an extent of Ac.0.28 cents. In the lands belonging to the petitioner, the fifth respondent had installed the borewell without the knowledge or consent of the petitioner. As soon as the petitioner came to know about the same, he made objections before the Panchayath and before the fifth respondent not to carryout any illegal activities in his lands. It is further the case of the petitioner that the fifth respondent who has no right or title over the petitioner's property has made an application before the respondents 1 to 4 seeking electricity connection in his name for the lands belonging to the petitioner. Against which, the petitioner made a representation dated 03.08.2018, on which no orders were passed resulting in issuance of legal notice on 13.11.2019. As no action have been taken on the same till date the present petition has been filed



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to forbear the respondents from granting electricity connection to the fifth respondent.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the second respondent to consider the petitioner's representation dated 03.08.2019 and pass appropriate orders within the time frame that may be fixed by this Court.

4. Learned Standing counsel appearing for the respondents 1 to 4 has no objection for the said order being passed.

5. Considering the facts and circumstances of the case, this Court without going into the merits of the case directs the second respondent to consider the petitioner's representation dated 03.08.2019 on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as the aggrieved persons including the fifth respondent within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.



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6. Accordingly, this writ petition is disposed of. No costs. Consequently

connected miscellaneous petition is closed.

**03.04.2023**

Index : Yes / No

Speaking order / Non speaking order

Netrual Citation Case : Yes / No

(rap)

To

1. The Superintendent of Engineer,  
TANGEDCO,  
Hosur Taluk,  
Krishnagiri District.
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**M.DHANDAPANI, J.**

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