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W.P.No.9459 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

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

W.P.No.9459 of 2023
and
W.M.P.No.9527 of 2023

R.Rajkumar Robinson

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by The District Collector,
Salem.
 2. The Sub Collector,
Revenue Divisional Officer,
Mettur Dam – 1.
 3. The Superintendent Engineer,
Mettur Electricity Distribution Circle,
TANGEDCO,
Mettur Dam – 636 401.
 4. The Assistant Executive Engineer (Civil),
TANGEDCO,
Mettur Dam – 636 401.
 5. The Assistant Executive Engineer (Distribution),
TANGEDCO,
Mettur Dam – 636 401.
- ...Respondents



W.P.No.9459 of 2023

WEB COPY

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for all the records on the file of the 4th respondent in Ka.No.OO.Po/Vi/Mettur/Ko Thani/No.243/2021-2022 dated 13.12.2021 on the file of the 5th respondent and quash the same and provide connection based on the applications of the petitioner in 200041010921800, 200041010921801 and 200041010921802 dated 26.09.2021.

For Petitioner : Mr.A.Sundaravadhanan

For Respondents : Mr.K.M.D.Muhilan, AGP, for R1 & R2
: Mr.L.Jaivenkatesh, for R3 to R5

ORDER

This Writ petition has been filed seeking quashment of the order of the 5th respondent in respect of the proceedings dated 13.12.2021, bearing Ka.No.OO.Po/vi/Mettur/Ko Thani/No.243/2021-2022 and to consequently provide connection based on the petitioner's applications bearing Nos.200041010921800, 200041010921801, 200041010921802.

2. The case of the petitioner is that originally, the petitioner's father namely Robinson Crusoe had purchased the suit property comprised in T.S.No.27/1 for valuable consideration from the Government of Tamil



W.P.No.9459 of 2023

Nadu, by virtue of title deed issued by the R.D.O, Dharmapuri. After the demise of the petitioner's father, the house tax assessment and other service connections in respect of the suit property were transferred to the name of the petitioner's mother namely Grace Robinson. Thereafter, after the demise of the said Grace Robinson, the petitioner and other legal heirs entered into partition in respect of the family properties, in which the suit / disputed property was allotted in favour of the petitioner as "B" Schedule, vide partition deed dated 04.09.1995 bearing Doc.No.943 of 1995. Pursuant to the said partition, when the petitioner started to construct a building in the Suit property, the 3rd respondent issued a notice dated 27.08.2015, stating that the suit property in T.S.No.27/1 in block No.17 of Mettur Municipality belongs to T.N.E.B. Thereafter, the petitioner filed a suit in O.S.No.75 of 2016 on the file of the Subordinate Court, Mettur, seeking declaration and mandatory injunction for updating the revenue records and the same was decreed in favour of the petitioner on 19.09.2019. Aggrieved by the said order, the defendants therein filed an Appeal in A.S.No.106 of 2019 on the file of the Additional District (Fast Track) Court, Mettur, which was allowed on 24.07.2020. Therefore, the petitioner preferred Second Appeal before this Court in S.A.No.612 of 2020 and the same is pending. In the



W.P.No.9459 of 2023

mean time, the petitioner made online application for providing electricity service connections to the building constructed in the disputed property, vide Application bearing Nos.200041010921800, 200041010921801 and 200041010921802. However, the 5th respondent, vide proceedings dated 13.12.2021, bearing Ka.No.OO.Po/vi/Mettur/KoThani/No.243/2021-2022, rejected the petitioner's request on the ground that, the disputed land belongs to T.N.E.B and the Second Appeal in S.A.No.612 of 2020 in respect of the disputed property is pending before this Court. Challenging the same, the present Writ petition is filed.

3. Learned counsel for the petitioner submitted that, the disputed property belongs to the petitioner and he has also constructed a building in the said property, after obtaining necessary approval from the Mettur Municipality. He further submitted that, though the petitioner's title over the suit property was confirmed by the lower Court in O.S.No.75 of 2016, vide decree dated 19.09.2019, however, without ascertaining any of the facts and without affording sufficient opportunity to the petitioner, the Additional District (Fast Track) Court, Mettur has entertained the Appeal filed by the defendants in A.S.No.106 of 2019 and allowed the same on 24.07.2020.



W.P.No.9459 of 2023

Aggrieved by the said order, the petitioner preferred Second Appeal before this Court in S.A.No.612 of 2020 and has also obtained interim injunction in his favour and on strength of which, the petitioner made online application for effecting electricity service connections, however, the 5th respondent, vide the present impugned order dated 13.12.2021, rejected the petitioner's request, which is not sustainable. Hence, he prayed for appropriate orders.

4. On the above said contentions heard learned counsel appearing for the respective respondents and perused the material documents placed on record.

5. The fact in the present petition is not in dispute. Admittedly, the Second appeal in S.A.No.612 of 2020 in respect of the disputed property is still pending before this Court and the petitioner can very well agitate his rights by filing appropriate application in the pending Second Appeal.

6. In view of the above facts, this Court, without interfering with the impugned order passed by the 5th respondent dated 13.12.2021, grants



W.P.No.9459 of 2023

liberty to the petitioner to file appropriate application in the Second Appeal

in S.A.No.612 of 2020 pending before this Court.

7. With the above directions, this Writ petition stands disposed of. No
costs. Consequently, connected Miscellaneous petition is closed.

28.03.2023

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

1. The Government of Tamil Nadu,
Rep. by The District Collector,
Salem.
2. The Sub Collector,

6/8



W.P.No.9459 of 2023

Revenue Divisional Officer,
Mettur Dam – 1.

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3. The Superintendent Engineer,
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TANGEDCO,
Mettur Dam – 636 401.
4. The Assistant Executive Engineer (Civil),
TANGEDCO,
Mettur Dam – 636 401.
5. The Assistant Executive Engineer (Distribution),
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M.DHANDAPANI, J.

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W.P.No.9459 of 2023
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WEB COPY



W.P.No.9459 of 2023

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