



W.P.(MD) No.6801 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.6801 of 2023

A.Alagarsamy

.. Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Block Development Officer,
Sedapatti,
Madurai District.

3.The Panchayat President,
Palaiyur Village,
Peraiyur Taluk,
Madurai District.

4.The Joint Engineer,
The Electricity Board,
Saptur, Peraiyur Taluk,
Madurai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 2nd and 3rd respondents to issue house tax receipts in petitioners name for the current



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year 2023 for getting electricity service connection from the 4th respondent.

For Petitioner : Mr.P.Bhaskar
For R1 : Mr.D.Ghandiraj
Special Government Pleader
For RR2 & 3 : Mr.G.Suriyananth
Additional Government Pleader
For R4 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The petitioner has filed this writ petition for a mandamus directing the second and third respondents to issue house tax receipts in his name for the current year 2023 for obtaining an electricity connection from the fourth respondent.

2. It is his contention that he is residing along with his family, which includes a six months old child and an aged father, who is speech impaired. That apart, he has also an older uncle who is also disabled.



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3. The petitioner would submit that the house stands in his name and his father had made a settlement under a registered deed bearing No.1011/2020, registered on the file of the Peraiyur Sub Registrar's Office. However, he would further state that the electricity service connection to the house stands in the name of his other uncle one Lakshmanan, who is no more residing in the house for number of years.

4. It appears that the fourth respondent had disconnected the service connection and despite the petitioner's request to provide service connection, after effecting name change, the same has not been conceded to, since the earlier connection stood in the name of Lakshmanan. Therefore, the petitioner has come forward with the present writ petition.

5. The learned Standing Counsel for the fourth respondent would submit that the petitioner has not shown ownership of the property, particularly when the earlier connection stood in the name of Lakshmanan and he has not been able to produce No Objection from the said Lakshmanan.



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6. The learned Additional Government Pleader for respondents 2 and 3 would submit that the petitioner has to get his right to the property declared through a Court of law.

7. Heard the learned counsel for the respective parties.

8. Even according to the petitioner, the electricity connection originally stood in the name of one Lakshmanan. Therefore, there is a presumption that the property stood in the name of the said Lakshmanan. The petitioner has not been able to explain to this Court as to how his father had an exclusive right to settle the property on the petitioner, particularly when even in the settlement deed, his father has described the property as an ancestral one. Even according to the petitioner, his father had, other than Lakshmanan, another brother who is presently residing with them. Therefore, without showing proof of ownership, the petitioner cannot seek to have the authorities granting him the service connection particularly when the electricity connection stood in the name



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of one Lakshmanan. Therefore, this Court is of the view that the petitioner has not shown his legal right to seek the issue of Writ of Mandamus. Consequently, this Writ Petition is dismissed. No costs.

29.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

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P.T.ASHA, J.

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