



W.P(MD)No.15997 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15997 of 2022

R.Manickam

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
Pudukkottai Electricity Distribution Circle,
Pudukkottai.

2.The Executive Engineer (Operation and Maintenance),
TANGEDCO,
Pudukkottai.

3.K.Mookaiah

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd Respondent to give electricity connection to the petitioner's house vide Application No. 200061150422157, dated 03.04.2022 within the stipulated time as fixed by this Court.

For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondents : Mr.S.Deenadhayalan
Standing Counsel for R1 & R2
: Mr.G.Sridharan for R3



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ORDER

Heard both sides.

2. The petitioner wants electricity service connection to be given for the petition mentioned house. It is not in dispute that the petition mentioned house is in Survey No.178/5, Vagavasal Village. 'A register' has been enclosed. It is seen therefrom that the said survey number measuring 0.43.5 hec is in the name of Rengan.

3. The learned counsel for the contesting respondent points out that on 21.05.2007 by a registered sale deed, the petitioner and his brother sold the property in favour of the third respondent. Patta is also standing in the name of the third respondent. The petitioner's counsel tries to argue that what was sold to the third respondent is a land comprised in Survey No.178/5A and that a house has been put up in Survey No.178/5B. I am not persuaded by this. Even as per village accounts / 'A register', Survey No.178/5 comprises 0.43.5 hec that is equivalent to 1 acre and 7 cents. It is this extent of land that was conveyed under sale deed dated 21.05.2007. The petitioner Manickam is very much figuring as one of the executants of the sale deed. The rights of the parties will abide by the outcome of O.S.No.400 of 2017 on the file of the Additional Sub Court, Pudukkottai that is presently pending between them. It is not proper for this Court to go into the same.



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4. Granting liberty to the writ petitioner to work out his remedy in the pending civil suit, the writ petition is dismissed. No costs.

03.10.2023

Index : Yes / No
Internet : Yes/ No
rmi



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G.R.SWAMINATHAN, J.

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