



W.P.(MD)No.20989 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20989 of 2021

P.Sivakumar

... Petitioner

-VS-

1.The Executive Engineer,
TANGEDCO, Operation and Maintenance,
Kulithalai, Karur District.

2.The Assistant Engineer,
TANGEDCO, Operation and Maintenance,
Kosur,
Kadavur Taluk, Karur District.

3.Arumugam

4.Karuppaiya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to grant agriculture service connection to the Well, situated in Survey No.248/2C, Thondamankinam Village, Kadavur Taluk, Karur District, based on the agriculture supply Registration No.60/31.05.2017.



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For Petitioner : Mr.R.Murali
For R1 and R2 : Mr.S.Deenadhayalan
Standing Counsel
For R3 : Mr.M.Suresh
For R4 : Mr.V.Illanchezian

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 and 2 to act upon the application submitted by the petitioner, wherein the petitioner is seeking for grant of agricultural service connection to the Well, situated in Survey No.248/2C, Thondamankinam Village, Kadavur Taluk, Karur District.

2. The learned Standing Counsel appearing on behalf of the respondents 1 and 2 submitted that objections were made by the third respondent and that the suit is pending between the parties in O.S.No.203 of 2018 before the District Munsif Court, Kulithalai, Karur District.

3. The learned counsel appearing on behalf of the petitioner submitted that the dispute in the suit pertains to Survey No.248/2A and whereas, the



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Well is situated at Survey No.248/2C and therefore, the civil suit will not have any bearing in considering the application submitted by the petitioner.

4. The learned counsel appearing on behalf of the third respondent submitted that a stand has been taken in the plaint that the Well is situated in Survey No.248/2A and therefore, the real issue is as to whether the Well is situated in Survey No.248/2A or Survey No.248/2C as claimed by the petitioner.

5. In the considered view of this Court, the dispute between the parties will have to be resolved by the competent Civil Court and only thereafter, the Department can decide about providing the agricultural service connection to the Well. Therefore, it will not be appropriate to issue any direction to the second respondent at this stage. There shall be a direction to the learned District Munsif, Kulithalai, Karur District, to dispose of the suit in O.S.No. 203 of 2018 within a period of six months from the date of receipt of a copy of this order. Depending upon the final result in the suit, it will be left open to the parties to approach the Department and seek for agricultural service connection for the Well.



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6. This Writ Petition is disposed of in the above terms. No costs.

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NCC : Yes/No
Index : Yes/No
smn2

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Copy to:-

The District Munsif,
Kulithalai,
Karur District.

To

- 1.The Executive Engineer,
TANGEDCO, Operation and Maintenance,
Kulithalai, Karur District.
- 2.The Assistant Engineer,
TANGEDCO, Operation and Maintenance,
Kosur,
Kadavur Taluk, Karur District.



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N.ANAND VENKATESH, J.

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