



W.P.(MD)No.22231 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

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THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.22231 of 2021 &
W.M.P.(MD)No.18773 of 2021

M.Sugumar

... Petitioner

Vs.

1.The Junior Engineer,
Generation and Distribution,
Tamil Nadu Generation and Distribution Corporation Limited,
Kattur Division, Tiruchirappalli.

2.A.Anjalai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records from the office of the first respondent relating to the impugned order in க.எண்.இமபேர்.இகா.காட்டுர்/கோ.கட்டு/அ.எண்.144/21-22 dated 22.11.2021 and further direct to grant electricity supply with respect to the petitioner's house at Plot No.10, New S.No.88/10, Geethapuram, Pappakurichi, Tiruchirappalli District.



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For Petitioner : Mr.H.Arumugam
For Respondents : Mr.S.Deenadhayan,
Standing Counsel for R1
Mr.K.S.Kathiravan for R2

ORDER

The petitioner seeks issue of a writ of certiorarified mandamus to quash the proceedings of the first respondent in க.எண்.இமபோ.இகா.காட்டுர்/கோ.கட்டு/அ.எண்.144/21-22 dated 22.11.2021 and direct the respondents to grant electricity supply to the petitioner's house at Plot No.10, New S.No.88/10, Geethapuram, Pappakurichi, Tiruchirappalli District.

2. The facts in brief are herein below set out.

2.1. It is the case of the petitioner that Plot No.10 was assigned to his father Muniyandi by the Government on 25.01.1978 and his father had died on 10.01.2008. Thereafter, there was a family arrangement and his mother Anjalai had executed a settlement deed on 13.09.2013 in



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favour of the petitioner in respect of the Plot No.10. Subsequently, the petitioner was also issued with patta in Patta No.2950. Similarly, the petitioner's paternal Uncle Arumugam has been assigned patta in respect of Plot No.11. It is the contention of the petitioner that the petitioner's father was in enjoyment of both the properties. As per the family arrangement, his mother had executed a settlement deed in respect of Plot No.11 in favour of the petitioner's brother Sasikumar. The petitioner has applied for planning permission to construct a house at Plot No.10 and at that juncture, the children of the petitioner's paternal Uncle Arumugam attempted to interfere with their possession constraining them to file OS.No.778 of 2020 on the file of the Subordinate Court, Tiruchirappalli for declaration, consequential injunction in respect of Plot No.11 and not to interfere with the peaceful possession of Plot No.10. The defendants in the above suit have filed their written statement and the suit is pending disposal.

2.2. The petitioner would submit that he has been working in the Police Department and had constructed the house by applying for loan



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from the Government. He, thereafter, approached the first respondent for electricity connection. However, the same was rejected by the impugned order stating that the second respondent had objected to the grant of electricity connection to the petitioner's in Property in S.Nos.88/10 and 88/11, since suit is pending. Challenging the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner relied upon the Assignment Order dated 25.01.1978, which clearly shows that Plot No. 10 has been allotted to the petitioner's father Muniyandi and therefore, on 13.09.2013, settlement deed has been executed in favour of the petitioner. Construction has also been put up in Plot No.10, which is evident from the building plan permission and the patta issued to the petitioner. He therefore submits that the first respondent is bound to give electricity connection.

4. A counter statement has been filed by the second respondent wherein it is conceded that the construction has been put up only in Plot



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No.10. In fact, the learned counsel appearing for the second respondent would submit that Plot No.11 is a vacant site.

5. In the light of above submissions, the writ petition is disposed of with a direction to the first respondent to grant electricity connection to the petitioner's property in Plot No.10, New S.No.88/10, Geethapuram, Pappakurichi, Tiruchirappalli District, after confirming that it is the property which has been assigned to the petitioner's father Muniyandi as per the Assignment Order dated 25.01.1978, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

30.03.2023

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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P.T.ASHA, J.

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To

The Junior Engineer,
Generation and Distribution,
Tamil Nadu Generation and Distribution Corporation Limited,
Kattur Division, Tiruchirappalli.

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