



W.P(MD)No.28366 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.28366 of 2022

Jesuraj

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Dindigul.

2.The Executive Engineer (Distribution),
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Batlagundu,
Dindigul District.

3.The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Ammainayakanoor,
Dindigul District.

4.The President,
Malaiyakoundanpatti Panchayat,
Dindigul District.

5.Karuthapandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents to provide



W.P(MD)No.28366 of 2022

electricity connection to the petitioner's house situated in Door No.1/10, Chettiyapatti, Malaiyakoundanpatti, Nilakottai Taluk, Dindigul District within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick
For R-1 to R-3 : Mr.S.Deenadhayalan
Standing Counsel
For R-4 : Mr.A.K.Manikkam
Special Government Pleader
For R-5 : Mr.S.Ramu

ORDER

Heard the learned Counsel on either side.

2. The question is that the petitioner seeks provision of electricity connection for the petition mentioned residential house. The property originally belonged to one Mary Rosariya Fathima. After her demise, it devolved upon her husband Arockiasamy. He also had passed away. They were childless. They did not execute any Will. It is claimed by the petitioner that they did not execute any Will and that the petitioner as the biological sibling of Arockiasamy succeeded to the property. This claim of the petitioner is contested by the fifth respondent. The fifth respondent as well as the petitioner filed independent declaratory suits. Both the suits suffered dismissal. While fifth respondent did not question the dismissal of the suit, the petitioner filed A.S.No.55 of 2017 on



W.P(MD)No.28366 of 2022

the file of the Sub Court, Dindigul. The first appeal is still pending as on date.

In this circumstances, I do not want to go into the rival claims. The petitioner is given liberty to file an I.A in A.S.No.55 of 2017 on the file of the Sub Court, Dindigul. In the said I.A, the petitioner shall make the respondents herein as parties. The said I.A will be numbered by the learned First Appellate Court and disposed of on merits and in accordance with law within a period of eight (8) weeks. After such filing, the First Appellate Court is requested not to defer the adjudication of I.A or take it up along with the main appeal. In other words, the said I.A seeking grant of electricity supply will be heard independently. The rights of the parties will abide by the outcome of the said I.A. With this liberty to the petitioner to approach the First Appellate Court and direction to the First Appellate Court to dispose of the I.A on merits and in accordance with law, this writ petition stands disposed of. I make it clear that I have not gone into the merits of the matter. There shall be no order as to costs.

20.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Btr



W.P(MD)No.28366 of 2022

To

- 1.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Dindigul.
- 2.The Executive Engineer (Distribution),
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Batlagundu,
Dindigul District.
- 3.The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Ammainayakanoor,
Dindigul District.
- 4.The President,
Malaiyakoundanpatti Panchayat,
Dindigul District.



WEB COPY



W.P(MD)No.28366 of 2022

G.R.SWAMINATHAN, J.

Btr

W.P(MD)No.28366 of 2022

20.01.2023