



WEB COPY



W.P.No.13892 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13892 of 2021

and

W.M.P Nos.14766 of 2021 & 17980 of 2022

P.Manikandan

... Petitioner

-Vs-

1.The Junior Engineer
Operation & Maintenance
TANGEDCO
Periyathukurichi
Ariyalur District.

2. Krishnamoorthy

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in Ka.No.E.Po/E & Pa/Pe.AA.Ku/Ko.Pu.Manu/ no. 79/21 dated 07.06.2021 on the file of the 1st respondent and quash the same and further direct the 1st respondent not to grant any agricultural service connection in S.No.120/1, 40/3E, Rangiyam Village, Andimadam Taluk.

For Petitioner	: No Appearance
For R1	: Mr.D.Suresh Kumar
For R2	Mr.S.Suresh Kumar



ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 07.06.2021, thereby overruled the objections raised by the petitioner and provide electricity service connection to the second respondent in respect of the land comprised in Survey No.120/1, 40/3E, Rangiyam Village, Andimadam Taluk, Ariyalur District.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The case of the petitioner is that the petitioner's father and the second respondent are brothers. The petitioner's grandfather applied for grant of free electricity connection for borewell. While being so, the second respondent also submitted a separate application for the very same land. The petitioner's grandfather died on 13.10.2002. Thereafter, the petitioner's father filed a suit for partition in O.S.NO.290 of 2011 on the file of the District Munsif Court, Jayamkondam. However, the suit was dismissed for default and the petitioner filed a petition to restore the suit, which is still pending. Therefore, the petitioner raised objections to provide any electricity connection to the subject property in favour of the second respondent.



W.P.No.13892 of 2021

4. A perusal of the counter filed by the second respondent reveals that after demise of his father, there was a registered partition deed between the second respondent and the petitioner's father dated 24.06.2003 vide document No.917 of 2003. Accordingly, the subject property was allotted in favour of the second respondent. After demise of the grandfather of the petitioner, the petitioner's father filed a suit in O.S.No.290 of 2011 and the same was also dismissed. Therefore, the objections raised by the petitioner was rightly rejected and the second respondent was provided with electricity connection. The second respondent is in possession and enjoyment of the subject property and enjoying the electricity service connection. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent and the writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

17.04.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp



WEB COPY



W.P.No.13892 of 2021

G.K.ILANTHIRAIYAN. J.

Lpp

To
The Junior Engineer
Operation & Maintenance
TANGEDCO
Periyathukurichi
Ariyalur District.

W.P.No.13892 of 2021
and
W.M.P Nos.14766 of 2021 & 17980 of 2022

17.04.2024