



W.P.Nos.15864 of 2021 & 13831 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.15864 of 2021 & 13831 of 2020 and
W.M.P.No.17199 of 2020

W.P.No.15864 of 2021

N.Pasamma

...Petitioner

-Vs-

- 1.The Chairman cum Managing Director,
TANGEDCO,
Anna Salai, Chennai-600 002.
- 2.The Superintending Engineer,
TANGEDCO,
Krishnagiri- 635 001.
- 3.The Executive Engineer,
TANGEDCO,
Royakottai,
Krishnagiri-635 001.
4. Assistant Engineer,
TANGEDCO,
Royakottai,
Krishnagiri-635 001.



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5. K.Ramachandran

6. K.Umavathi

7. Maramma

8. K.Lakshmipathi

...Respondents

Prayer in W.P.No.15864 of 2021: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 22.03.2021 and consequently direct the Respondents to provide Electricity connection to the petitioner's land in Survey No.59/1B in Agaram Agragaram Village, Hosur Taluk, Krishnagiri District.

For petitioner

: Mr.R.Selvakumar

For Respondents 1 to 4

: Mr.S.Madhu Sudhanan
Standing Counsel

W.P.No.13831 of 2020

1. K.Ramachandran

2. K.Umavathi

3. Maramma

4. K.Lakshmipathi

...Petitioners

-Vs-



W.P.Nos.15864 of 2021 & 13831 of 2020

1. The Superintending Engineer,
Tamilnadu Electricity Board,
Krishnagiri District.
2. The Assistant Executive Engineer,
Tamilnadu Electricity Board, South,
Royakottai,
Krishnagiri District.
3. The Assistant Engineer,
Tamilnadu Electricity Board, South,
Rayakottai,
Krishnagiri District.
4. Basamma

... Respondents

Prayer in W.P.No.13831 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 1 to 3, their men, agents, subordinates from giving electricity service connection in S.No.59/1B situated at Agaram Agraharam Village, Hosur Taluk, Krishnagiri District in favour of 4th respondent by considering the petitioner's representation dated 06.08.2020.

For petitioner : Mr.R.Jayaprakash

For Respondents 1 to 3 : Mr.S.Madhu Sudhanan
Standing Counsel

For Respondent 4 : Mr.R.Selvakumar



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COMMON ORDER

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Writ Petition No.15864 of 2021 has been filed for direction to the respondents 1 to 4, to provide Electricity service connection for the property comprised in S.No.59/1B situated at Agaram Agragaram Village, Hosur Taluk, Krishnagiri District. W.P.No.13831 of 2020 has been filed forbearing the respondents 1 to 3 from giving electricity service connection in S.No.59/1B situated at Agaram Agraharam Villge, Hosur Taluk, Krishnagiri District.

2. The case of the petitioner in W.P.No.13831 of 2020 is that the land comprised in S.No.59/1 ad-measuring 1.83 cents situated at Agaram Agraharam Village, Hosur Taluk, Krishnagiri District was jointly purchased by 4th petitioner's grand father Kempaiah along with his friend Poojari Kempaiah by registered sale deed dated 06.04.1971 vide document No.739/1971. During the life time of his grand father and the said Poojari Kempaiah there was oral partition as a result the said Kempaiah was allotted 0.91 1/2 cents and the remaining extent of 0.91 1/2 cent was allotted to Poojari Kempaiah. Both of them were in separate possession and enjoyment



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of the said property. Thereafter, they also sub-divided the property into S.Nos.59/1A and 59/1B. While being so, the 4th respondent in W.P.No.13831 of 2020 and the petitioner in W.P.No.15864 of 2021 obtained joint patta for the land comprised in S.No.59/1B and also applied for electricity service connection. Therefore, the petitioners filed suit in O.S.No.61 of 2018 on the file of the Sub-ordinate Judge, Hosur for declaration of title in respect of the subject property and the same was pending.

3. The case of the 4th Respondent is that after partition between the petitioners' grand father and Poojari Kempaiah they were in possession and enjoyment of their respective shares. Insofar as the share of the Poojari Kempaiah is concerned his family members had oral partition in which 46 cents was allotted in favour of Ela-mallappa @ Ellappa. After the death of Ela-mallappa @ Ellappa, 40 cents was acquired by his son Mallappa. After the death of Mallappa, the said 40 cents goes to his daughter Seekallamma, the said Seekallamma sells 40 cents of land to Basamma vide document No.1031 of 2007 dated 04.05.2007. Subsequently, the remaining extent of



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six cents was also purchased by the 4th respondent from the Seekkallamma by registered sale deed dated 19.06.2010 vide document No.1412 of 2010.

In pursuant to the said sale deed the petitioner applied for electricity service connection. Insofar as the petitioners grand father is concerned 91 1/2 cents belonging to Kempiah, the property has been treated as family property of Nanje Gowdu, who is the father of Kempiah. The family properties of Nanje Gowdu, including the aforesaid 92 cents were orally partitioned among the family members, which includes, Kempiah, Ela-mallappa @ Ellappa, Kalappa and Munusamy. In the said partition, 46 cents of the aforesaid land was allotted to Kempiah and the other 46 cents to Ela-mallappa @ Ellappa. After the death of Ela-mallappa @ Ellappa, 40 cents was acquired by his son Mallappa. After the death of Mallappa, the said 40 cents goes to his daughter Seekkallamma, the said Seekkallamma sells 40 cents of land to Basamma vide document No.1031 of 2007 dated 04.05.2007. Subsequently, the remaining extent of six cents was also purchased by the 4th respondent from the Seekkallamma by registered sale deed dated 19.06.2010 vide document No.1412 of 2010. Thus, the 4th respondent/Basamma gets title for an extent of 46 cents. The petitioner also



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issued with patta and the entire revenue records mutated in her favour and she was also issued patta. Thus, she applied for electricity connection. That apart, the petitioners in W.P.No.13831 of 2020 has already filed suit for declaration in O.S.No.61 of 2018 on the file of the Sub-Court, Hosur and the same is pending. No interim order passed in the said suit. Therefore, the respondents 1 to 3 have no impediment to provide electricity service connection in favour of the 4th respondent in respect of the subject property. Further, when the suit is pending, objection raised by the respondents cannot be considered. The 4th respondent in W.P.No.13831 of 2020 and the petitioner in W.P.No.15864 of 2021 had already paid the entire fees for a sum of Rs.2,75,000/- on 17.10.2019 for seeking electricity service connection.

4. Therefore, the respondents 1 to 3 are directed to provide service connection to the subject properties in favour the 4th respondent in W.P.No.13831 of 2020 and petitioner in W.P.No.15864 of 2021. The petitioners in W.P.No.13831 of 2020 are at liberty to approach the respondents 1 to 3 for disconnection of service connection if they succeed in



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the suit in O.S.No.61 of 2018 on the file of the Sub-Court, Hosur.

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5. Accordingly, the writ petition in W.P.No.15864 of 2021 is allowed. Writ petition in W.P.No.13831 of 2020 is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

16.04.2024

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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To

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TANGEDCO,
Anna Salai, Chennai-600 002.
- 2.The Superintending Engineer,
TANGEDCO,
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G.K.ILANTHIRAIYAN,J.
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