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W.P.No.20741 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM:

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

W.P.No.20741 of 2021

Vengatesan

...Petitioner

-Vs -

1. The Executive Engineer,
(Operation & Maintenance)
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Cuddalore, Cuddalore District.
2. The Assistant Executive Engineer,
(Operation & Maintenance)
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Kattumannarkoil,
Cuddalore District.
3. The Junior Engineer,
(Operation & Maintenance)
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Muttam, Kattumannarkoil Taluk,
Cuddalore District.

4. Muthukumaran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to



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provide electricity connection to the sheep shed constructed at the property situated at Movur Village, Kattumannarkoil Taluk, Cuddalore District, comprised of S.F.No.98/1.

For Petitioner : Mr.G.Pugazhenth

For Respondents

For R1 to R3 : Mr.L.Jaivenkatesh

Standing Counsel

For R4 : No appearance

ORDER

This writ petition has been filed for direction directing the respondents 1 to 3 to provide electricity connection to the petitioner for his sheep shed constructed at the property situated at Movur Village, Kattumannarkoil Taluk, Cuddalore District, comprised of S.F.No.98/1.

2. The case of the petitioner is that the properties situated at Movur Village, Kattumannarkoil Taluk, Cuddalore District, comprised of S.F.No.98/1 and 99/1 ad measuring 1.1.50 and 0.61.50 acre respectively, were purchased in the name of the petitioner's mother as a natural guardian of the petitioner and his brother by the sale deed dated 21.07.1981 registered vide document No.1778/1981. After attainment of majority, they were issued joint patta. Thereafter, on 02.06.2004, there was a partition deed between the family members. According the above



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properties were allotted in favour of the petitioner. However, the patta was stand in the name of the petitioner and his brother jointly.

3. Thereafter, the petitioner had excavated a farm pond under the welfare scheme and assistance of the Tamil Nadu Agricultural Engineering Department. He also availed loan from the Indian Bank to implement the project as recommended by the Fisheries department. In fact, the fourth respondent also executed an affidavit before the Notary Public, thereby issued no objection so as to facilitate the petitioner to obtain loan by mortgaging the said property.

4. That apart, the petitioner was allotted an order to construct a sheep shed to grow up sheep under the Mahatma Gandhi National Rural Employment Guarantee Scheme. Accordingly, the petitioner had constructed shed in the land comprised in S.F.No.98/1. After construction, the petitioner made application to get electricity service connection. However, on the objections raised by his brother viz., fourth respondent herein, the application is still pending on the file of the third respondent. Hence, the petitioner filed the present writ petition.

5. Heard the learned counsel appearing for on either side and



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perused the materials placed before this Court.

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6. Admittedly, a joint patta was issued infavour of the petitioner as well as the fourth respondent herein. Even as per the conditions stipulated in the application, in case of joint property, the applicant should submit certified copies of proof of ownership such as legal heir certificate along with parent documents specified in note(i) above and consent letters from co-owners. If consent letter is not produced, an indemnity bond with enhanced security deposit should be executed. As per the application, the application must be accompanied with certified copy of proof of ownership such as sale deed or partition deed or gift settlement or allotment letter or computer patta or ownership certificate issued by revenue department officials or court judgment or recent property tax receipt. Therefore, if at all the fourth respondent objected and refused to give no objection certificate for providing electricity service connection, the petitioner can execute indemnity bond with enhanced security deposit for the electricity service connection.

7. Considering the above facts and circumstances, the third respondent is directed to consider the application submitted by the



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petitioner seeking electricity service connection for his sheep shed constructed in the land comprised in S.F.No.98/1 situated at Movur Village, Kattumannarkoil Taluk, Cuddalore District, after conducting enquiry with the fourth respondent and pass orders on merits and in accordance with law. It is made clear that if the fourth respondent objected and refused to give consent letter, the third respondent is directed to follow the procedure as stated supra and ordered to provide electricity service connection to the petitioner, within a period of four weeks from the date of receipt of a copy of this Order.

8. With the above directions, the Writ Petition stands disposed of. There shall be no orders as to costs.

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

rts



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G.K.ILANTHIRAIYAN. J.

rts

To

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