



WEB COPY



W.P.No.35895 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35895 of 2024

M.Settu

... Petitioner

VS.

1.The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd., (TANGEDCO),
Dharmapuri Electricity Distribution Circle,
Dharmapuri – 5

2.The Assistant Executive Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd., (TANGEDCO),
Adhiyamaankottai,
Dharmapuri District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to provide the domestic service connection to the petitioner's residential portion of the property situated at Naduhalli Village, Dharmapuri Taluk, Dharmapuri District comprised in Survey No. 69/1 to an extent of 2.25 Acres, S.No.70/1A2 to an extent of 2.11 Acres and S.No.70/1B to an extent of 20



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cents in petitioner name on the basis of application given by the petitioner on 06.09.2024 within a stipulated time fixed by this Court.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.Swamisubramanian
Standing Counsel (TNEB)

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The Writ Petition is filed seeking a direction to the respondents to provide domestic service connection to the petitioner's residential property comprised in Survey Nos.69/1, 70/1A2 and 70/1B situated at Naduhalli Village, Dharmapuri Taluk and District by considering petitioner's application dated 06.09.2024 within the time stipulated by this Court.

3. It is the case of the petitioner that he purchased the above



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mentioned property under a registered Sale Deed dated 10.12.2010.

Thereafter, he constructed a house in the above mentioned property. The legal heirs of one Muniyandi interfered with petitioner's right over the said property. Therefore, the petitioner filed a suit in O.S.No.398 of 2010 on the file of the Principal Subordinate Court, Dharmapuri seeking mandatory injunction against the legal heirs of Muniyandi. It is also stated by the petitioner that the legal heirs of Muniyandi also filed a suit in O.S.No.24 of 2011 seeking declaration that the Sale Deed executed in favour of the petitioner dated 10.12.2010 was not valid and for other consequential reliefs.

4. It is seen from the averment in the writ affidavit and typed-set of papers, the suit in O.S.No.24 of 2011 on the file of the District Munsif Court, Dharmapuri filed by legal heirs of Muniyandi namely Venmal and others was partly decreed declaring the Sale Deed in favour of the petitioner dated 10.12.2010 was invalid. Aggrieved by the same, the petitioner said to have filed an appeal before the Appellate Court and the same is pending.

5. In view of the fact the Sale Deed in favour of petitioner is already declared as invalid by Court of Competent jurisdiction and the appeal filed



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against the judgment is said to be pending before the First Appellate Court, this Court is not inclined to entertain this writ petition and accordingly the same is dismissed. However, it is open to the petitioner to workout his remedy by filing appropriate application in the pending appeal. No costs.

26.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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