



W.P.(MD)No.556 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.556 of 2024
and
W.M.P(MD)No.569 of 2024

P.Karthees

... Petitioner

Vs

- 1.The Executive Engineer,
TANGEDCO Distribution,
Tiruchendur,
Thoothukudi District.
- 2.The Executive Engineer,
TANGECO Distribution,
Udangudi, Tiruchendur Taluk,
Thoothukudi District.
- 3.The Assistant Engineer,
TANGEDCO Distribution,
Udangudi, Tiruchendur Taluk,
Thoothukudi district.

4.Sathish

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 herein not to disconnect the electricity service connection in SC.No. 374-011-329 in Survey No.360/4 situated at manadu-Thandupathu Village,



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Tiruchendur Taluk, Thoothukudi District by considering the petitioner's representation, dated 27.12.2023.

For Petitioner : Mr.S.Muniyandi

For R1 & R3 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein not to disconnect the electricity service connection in SC.No.374-011-329 in Survey No.360/4 situated at Manadu-
Thandupathu Village, Tiruchendur Taluk, Thoothukudi District.

2. Heard Mr.S.Muniyandi, learned counsel appearing for the petitioner, Mr.S.Deenadhayalan, learned Standing Counsel appearing for the respondents 1 to 3.

3. Considering the nature of the order proposed to be passed, protecting the interest of the fourth respondent also, notice to the fourth respondent is dispensed with. By consent, this writ petition is disposed of at the admission itself.



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4. The case of the petitioner is that the property in Survey No.360/4 situated at Manadu-Thandupathu Village, Tiruchendur Taluk, Thoothukudi District is belonged to one Uthirapandi Nadar, who is the grand-father of the petitioner. The said property was partitioned between the co-brothers of his father on the basis of the Will executed by his grandfather and they have been possession and enjoyment of the property without any encumbrances. The petitioner's father got the land in survey No.360/4 on the basis of the Will executed by the petitioner's grandfather. Subsequently, the electricity connection was also transferred to his father. Thereafter, the petitioner's father had executed settlement deed in favour of the petitioner on 21.12.2011. The said property is an agricultural land and he is cultivating the land. The electricity connection was transferred to his name through settlement deed executed by his father. Unfortunately, the petitioner got the tax receipt from Chettiyapathur Village instead of Manadu-Thandupathu Village. Due to which, the fourth respondent had given a letter to the third respondent to disconnect the electricity connection given to him. The petitioner is in possession and enjoyment of the property and got the electricity connection through the settlement deed. In the said circumstances, the third respondent had given a show cause notice on 06.12.2023 and the petitioner had given an explanation on 27.12.2023. Now the respondents are tried to disconnect the electricity



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connection. The third respondent has sent a memo stating that the first and second respondents to approach the petitioner and to disconnect the connection and directed the petitioner to give explanation. Hence, the petitioner has filed the present writ petition praying to direct the respondents 1 to 3 not to disconnect the electricity service connection of the agricultural land.

5. It is seen from the settlement executed by the petitioner's father that the 1/7th share was allotted to the petitioner for survey Nos.360/4, 363/1, 363/2, 367/1 and 364 total extent of 0.41.5 hectare and another 1/7th share was allowed to the petitioner in Survey Nos.367/2, 365/1, 366, 357, 358/3 total extent of 1.79.0 hectare and the petitioner inherited the property through the settlement deed.

6. The learned Standing counsel appearing for the respondents 1 to 3 would submit that the petitioner had wrongly got the tax receipt from Chettiyapathu Village instead of Manadu-Thandupathu Village. When there is no proper partition has been done and it is an un-divided share, the petitioner has to produce the proper document to show that the properties are belongs to the petitioner. If the petitioner produce the proper documents showing the property belongs to which area and service connection was obtained in which



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area, the same shall be considered. Further, the respondents have not passed any order to disconnect the service connection.

7. Considering the submissions made by the learned Standing counsel appearing for the respondents 1 to 3, this Court directs the petitioner to produce the proper documents before the respondents 1 to 3 and after receipt of the documents, the respondents 1 to 3 are directed to make necessary changes in the service connection of the petitioner after affording an opportunity to all the parties concerned within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition is disposed of. No costs.

11.01.2024

Index : Yes/No
Internet: Yes/No
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V.BHAVANI SUBBAROYAN, J.

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