

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 05.04.2024****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.5197 of 2024**

J.Soundarapandiyan

... Petitioner

Vs.

1. The Executive Engineer TANGEDCO,
Usilampatti Taluk,
Madurai District.
2. The Assistant Executive Engineer TANGEDCO,
Checkanurani,
Thirumangalam Taluk,
Madurai District.
3. The Assistant Engineer,
TANGEDCO,
Checkanurani, Thirumangalam Taluk,
Madurai District.
4. The Inspector of Police,
Checkanurani, Thirumangalam Taluk,
Madurai District.
5. S.Perumal ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to give electricity connection for the petitioner in S. No.118/3B, 118/8B2 Mavilipatti, Karadikal Village, Thirumangulam Taluk of Madurai District based upon the application of the petitioner dated 03.08.2023.



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For Petitioner : Mr.K.Balasundaram,
Senior counsel,
Mr.S.Ramsundarvijayraj.

For R-1 to R-3 : Mr.S.Deenadhayalan,
Standing counsel.

For R-4 : Mr.A.Albert James,
Government Advocate.

For R-5 : Mr.G.Sakthi Rao

* * *

ORDER

Heard the learned Senior counsel appearing for the writ petitioner, the learned Standing counsel appearing for TANGEDCO, the learned Government Advocate appearing for the fourth respondent and the learned counsel for the contesting respondent.

2. The petitioner purchased the petition mentioned property from one Virumandi vide sale deed dated 18.10.2021. The petitioner had put up a residence in the said land. The petitioner now wants electricity connection for the same. The petitioner wants to shift the existing line to the new house. This is seriously objected to by the fifth respondent. Hence, this writ petition came to be filed.



3. The learned Senior counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pointed out that the fifth respondent was the original owner of the property. He had sold the same in favour of one Virumandi vide sale deed dated 05.12.2011. Virumandi was issued with patta. From the said Virumandi, the petitioner purchased the property. Subsequently, the petition mentioned property was mutated in favour of the petitioner. This was questioned before the jurisdictional Revenue Divisional Officer by the fifth respondent. The Revenue Divisional Officer confirmed the issuance of patta in favour of the petitioner. This order has become final. The fifth respondent has not filed any appeal or review. The learned Senior counsel was at pains to point out that the fifth respondent cannot have the *locus standi* to raise any objection.

4. The learned counsel appearing for the fifth respondent pointed out that in the sale deed dated 05.12.2011 executed by Virumandi, there is a restrictive covenant and therefore, it will run with the land.

5. I am not inclined to go into the rival contentions for the present. It is not in dispute that the fifth respondent has already filed O.S.No.57 of 2024 on the file of the Principal District Munsif,



Thirumangalam for the relief of mandatory injunction. The fifth respondent is permitted to file an IA in the pending suit. But then, IA should be filed within seven days from the date of receipt of a copy of this order. The fifth respondent can array TANGEDCO as respondent in the IA alone without making them as defendants in the main suit. The petitioner shall enter appearance in IA immediately after it is numbered. It shall be disposed of on merits and in accordance with law on or before 30.04.2024. The petitioner and the fifth respondent are directed to extend their fullest cooperation for disposal of the IA. The right of the petitioner to obtain electricity connection shall abide by the outcome of the said IA. If the petitioner succeeds in the IA, TANGEDCO shall provide electricity service connection as sought for. If the TANGEDCO officials seek police aid, it shall be given. I make it clear that I have not gone into the merits of the matter. All the contentions of both the parties are left open. This writ petition stands disposed of. No costs.

05.04.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

Note : 1. Issue order copy on 05.04.2024.

2. Registry to mark a copy of this order to the Principal District Munsif, Thirumangalam.



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To:

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G.R.SWAMINATHAN,J.

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