



W.P.(MD)No.18563 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18563 of 2023

and

W.M.P.(MD)Nos.15394 of 2023

P.Rasu

... Petitioner

Vs.

1.The Executive Engineer,
Generation and Maintenance,
TANGEDCO, Madurai East,
K.Pudur, Madurai.

2.The Assistant Engineer,
Thirumangalam East,
TANGEDCO, Thirumangalam,
Madurai District.

3.K.Vellai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order dated 06.04.2023 passed by the second respondent and quash the same consequently directing the second respondent to provide electricity connection to the petitioner's agricultural land in Survey No.13/8, situated at the Eliyarpatti Village, Thiruppankudram Taluk, Madurai District.



W.P.(MD)No.18563 of 2023

For Petitioner : Mr.G.Kasinathadurai
For R1 & R2 : Mr.S.Deenadhayalan
Standing Counsel
For R3 : Mr.R.Karunanidhi

ORDER

Challenge has been made to the order passed by the respondent rejecting the application for agricultural service connection mainly on the basis of the objection raised by the third respondent.

2.The case of the petitioner is that the subject property was purchased by the father of the petitioner. After his demise, the petitioner is in possession and enjoyment of that property. The petitioner applied for agricultural service connection for that property. Since there was a delay in considering that application, earlier the petitioner filed a writ petition before this Court in W.P. (MD)No.6220 of 2022 seeking to provide service connection. The said writ petition was disposed of directing the second respondent to consider the application submitted by the petitioner. The third respondent herein claiming right over the subject property also filed a writ petition in W.P.(MD)No.288 of 2022 before this Court seeking a direction not to give electricity service connection to the petitioner. In that writ petition, it was recorded that the petitioner was directed to produce separate patta. Based on that recording, the



W.P.(MD)No.18563 of 2023

application of the petitioner has been rejected by the second respondent.

Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel for the petitioner submitted that the third respondent raised objection only with regard to the ancestral property of the petitioner. However, the land, to which the petitioner seeks electricity service connection is different. In the objection submitted by the third respondent, the property in Survey No.13/8 has not been included. Hence, seeks a direction.

4.Heard the learned counsel appearing on either side and perused the materials placed on record.

5.Perusal of the objection given by the third respondent shows that the third respondent has not claimed any right over the property, for which the electricity service connection is now sought. Therefore, when the petitioner produces the patta stands in favour of his father, the said patta cannot be ignored and the electricity service connection cannot be denied on the ground that the petitioner has to obtain separate patta in his name.



W.P.(MD)No.18563 of 2023

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6. In view of the above, the order passed by the second respondent dated 06.04.2023 is quashed and this writ petition stands allowed. The second respondent is directed to grant electricity service connection to the petitioner within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

1. The Executive Engineer,
Generation and Maintenance,
TANGEDCO, Madurai East,
K.Pudur, Madurai.
2. The Assistant Engineer,
Thirumangalam East,
TANGEDCO, Thirumangalam,
Madurai District.



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W.P.(MD)No.18563 of 2023

N.SATHISH KUMAR, J.

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W.P.(MD)No.18563 of 2023

19.10.2024