



W.P(MD)No.11817 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.11817 of 2015 and
MP(MD) No.1 of 2015

Thirukumar

... Petitioner

Vs

The Assistant Engineer,
TANGEDCO
Aruppukottai Town (West),
Aruppukottai,
Virudhunagar District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 24.06.2015 and give electric service to his property in Survey T.S.No.11/A2 Hec.1.24.26 at Aruppukottai Town, Virudhunagar District.

For Petitioner : Mr.C.Bharathi
For Respondent : Mr.S.Deenadhayalan
Standing Counsel



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ORDER

The petitioner claims that he is the owner of the property in TS No.11/A2, Aruppukottai town to an extent of 1.24.26 Hectares. He has approached the respondent for grant of electricity service connection for the said property. However, the same was not considered by the respondent. Therefore, the petitioner has filed this writ petition in the year 2015 for a Mandamus, directing the respondent to consider the representation of this petitioner and to grant an electricity service connection to his property in TS No. 11/A2.

2.The learned Standing counsel appearing for TANGEDCO by referring a written instruction, which has been provided to him submits that the said property is the subject matter of IP proceedings, which is pending in IP No.14 of 1992 and the Court has appointed one D.Rajeshwari,B.A.B.L., as an Official Receiver, by order dated 21.02.2013. The official receiver has



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affixed a notice Board and paper publication was also effected that the above properties are the subject matter of IP proceedings in IP No.14 of 1992. Therefore, the respondents are not in a position to grant electricity service connection to the petitioner's property.

3.In reply, the learned counsel appearing for the petitioner submits that the property in TS.No.11/A2 has been wrongly entered in the IP proceedings and the petitioner is having a valid document to substantiate his right on the subject property. The learned counsel further submits that the patta for the subject property also stands in the name of the petitioner.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner for want of electricity service connection for his property has approached the respondent TANGEDCO and when the same was not considered by them, the



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petitioner has approached this Court by way of this writ petition in the year 2015. The respondent Board has not granted an electricity service connection to the petitioner on the paper publication and the notice affixed in the notice board by the official receiver appointed by this Court in IP No.14 of 1992. However, the petitioner claims that the property in TS.No.11/A2 is not the subject property in IP proceedings and he claims that he is having a valid document to establish his right over the property.

6.In view of the above, this writ petition is disposed of with a liberty to the petitioner to file necessary application before the official receiver, namely, D.Rajeshwari, appointed in IP No.14 of 1992 and produce the necessary documents along with a copy of this order within a period of one week from the date of receipt of a copy of this order. The official receiver shall verify as to whether this petitioner's property is the subject property of IP proceedings or not and shall pass an order either to grant No Objection Certificate or to take a decision depending upon the documents to be produced by the



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petitioner within a period of eight weeks from thereon. No costs.

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Consequently, connected Miscellaneous Petition is closed.

03.01.2024

NCC: Yes/No

Index: Yes/No

Internet: Yes

vrn

To

The Assistant Engineer,
TANGEDCO
Aruppukottai Town (West),
Aruppukottai,
Virudhunagar District.



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B.PUGALENDHI, J.

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