



W.P(MD)No.16822 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.16822 of 2015

M.M.Paulraj

... Petitioner

Vs

The Assistant Engineer (Distribution),
Tamilnadu Generation of Electricity and Distribution Corporation,
Kulathur Division,
Tuticorin District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter issued by the respondent in Lr.No.உமிழ்பொ/விநி/குளத்தார்/கோ.கட்டு/அஎண். 410/15, dated 02.09.2015 and quash the same and consequently directing the respondent to provide electricity supply to the residential house of the petitioner at Door No.2/319-5 of Kulathoor Main road, Kulathoor, Vilathikulam Taluk, Tuticorin District by receiving the prescribed fees.



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For Petitioner : Mr.C.M.Arumugam
For Respondent : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The petitioner claims that he is the owner of the property in S.No.486/5 (old S.No.214/1), to an extent of 2214 sq.ft at Kulathoor South Village, Vilathikulam Taluk, Tuticorin District. The petitioner has put up a tin shed and has applied for an electricity service connection to the respondent Corporation. However, the same was not effected in view of the objection raised by one Maragathavalli, W/o, Chelladurai along with her legal heirs that they are also having right over the subject property. The petitioner claims that he has purchased this property by way of a registered document No.88/1995, dated 23.01.1995. He has also produced the document before the respondent for his possession. However, by the order impugned in this writ petition, the respondent has directed the petitioner to approach the competent civil Court and establish his rights. Aggrieved over that, the present writ petition is filed.



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2.The learned counsel appearing for the petitioner submits that this petitioner has filed a suit in O.S.No.150 of 2015 before the Sub Court, Kovilpatti and now obtained a decree in his favour. Therefore, the respondent Board has to necessarily provide electricity service connection to the petitioner's property.

3. The learned standing counsel appearing for the respondent Board submits that the legal heirs of one Chelladurai are also claiming right and title over the subject property and they have executed a sale deed in favour of the third party. Until and otherwise, a suitable decree has been granted in favour of this petitioner or others, the respondent Board is not supposed to grant electricity service connection as required by this petitioner.

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



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5.The petitioner claims that he is the owner of the subject property and he has obtained a decree from the competent civil Court for the subject property in O.S.No.150/2015. Therefore, this writ petition is disposed of with a liberty to this petitioner to approach the respondent Board along with a copy of the judgment and decree in O.S.No.150/2015 within a period of two weeks from the date of receipt of a copy of this order. The respondent shall decide the issue after issuing a notice to the other claimants, if any, for the subject property and ascertain as to whether any appeal is preferred upon the decree in O.S.No.150 of 2015 and to pass suitable orders, within a period of twelve weeks from thereon. No costs.

03.01.2024

NCC: Yes/No
Index:Yes/No
Internet:Yes
vrn



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To
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The Assistant Engineer (Distribution),
Tamilnadu Generation of Electricity and Distribution Corporation,
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B.PUGALENDHI, J.

vrn

Order made in
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