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WP No. 17905 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2025

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

W.P No. 17905 of 2025

M.Subakaran
S/o Muthusamy No.3/174/1
Arunthathiyar Street, Kuralnatham
Salem 636 204.

..Petitioner

Vs

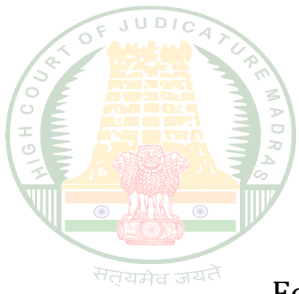
1. 1. The Assistant Engineer
Operation and Maintenance
TANGEDCO, R.Muthupatti, Rasipuram Taluk
Namakkal District.

2.K.Marappan
S/o Late Karuppanna Gounder
No.187/5, Park Road, Mallur
Salem District

(R2 impleaded vide order dated 16.06.2025 made
in WMP No.24097 of 2025 made in W.P.No.17905
of 2025 by NAVJ)

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to include the name of the petitioner and others name in the agricultural service connection No.515002335 is fixed in Survey No.310/4B an extent of 9.70 Ares based on the petitioner's online representation dated 26.02.2025 without insisting to get consent signature from the other co-owner in Survey No.310/4B an extent of 9.70 Ares within a period that may be stipulated by this Court.



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For Petitioner : Mr.S.Varanesh

For Respondents : Mr. S.Kalaiselvan
Standing Counsel - for R1
Mr.P.Jagadeesan - for R2

ORDER

This writ petition has been filed for the issuance of a Writ of Mandamus directing the first respondent to include the name of the petitioner and others in the agricultural service connection No.515002335 fixed in Survey No.310/4B measuring an extent of 9.70 Ares, based on the petitioner's online representation dated 26.02.2025 without insisting to get consent signature from the other co-owner in Survey No.310/4B in extent of 9.70 Ares.

2. When this writ petition came up for hearing on 04.06.2025, this Court passed the following order:

"Mr.S.Kalaiselvan, learned Standing Counsel, takes notice for the respondent.

2. Learned Standing Counsel appearing on behalf of TANGEDCO, based on the written instructions from the respondent, submitted that pursuant to the partition, the petitioner has half share in the Well and other half is in the ownership of one Marappan. That apart, even insofar as the petitioner's share is concerned, there are two other co-owners. Therefore, the petitioner was asked to get the signature from all the co-owners. Since the petitioner did not get the consent of the



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other co-owners, the application itself was cancelled. 3. Learned counsel for the petitioner submitted that the respondent can get an indemnity bond from the petitioner since the other co-owners are not co-operating.

4. In the considered view of this Court, if any positive directions are given in this writ petition, the other co-owners will come before this Court and state that they were not heard and not given an opportunity. Therefore, it will be more appropriate for the petitioner to implead the other co-owners to whom notice can be issued and thereafter, the writ petition can be heard on merits.

Post this writ petition at the end of the motion list on 16.06.2025. In the mean time, learned counsel for the petitioner shall take steps to file the impleading petition by impleading the other co-owners as party respondents in this writ petition."

3. Pursuant to the above order, the second respondent, who is the co-owner was added as a respondent in this writ petition and the learned counsel for the petitioner was directed to take private notice to the impleaded second respondent.

4. Learned counsel for the impleaded second respondent submitted that the second respondent has given objection for granting service connection in the names of the petitioner and the other co-owner.

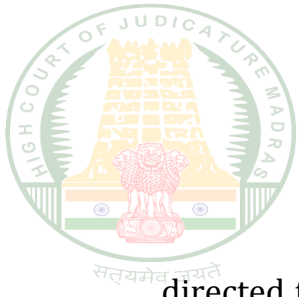


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5. The specific case of the petitioner is that he, along with his brother and mother are the sole and absolute owners of the property in S.No.310/4 measuring an extent of 2 Acres 80 Cents along with the right over the well. This property came to the petitioner and two others by virtue of the partition deed dated 06.11.2023 registered as Document No.3152/2023. In that partition deed, the petitioner's uncle viz., Marappa Gounder, who is the elder brother of the petitioner's father was given 'A' Schedule property. An application was submitted by the petitioner seeking for inclusion of the name of the petitioner. The petitioner was asked to get signature of the co-owner of S.No.310/4B, which was the property that was allotted in favour of Marappa Gounder and which is described as 'A' Schedule Property in the partition. According to the petitioner, there is no need for getting the signature from Marappa Gounder since the petitioner is only asking for including the name of the petitioner and two others to get the service connection with respect to S.No.310/4 which was described as 'B' Schedule in the partition.

6. It is brought to the notice of this Court that the application that was submitted by the petitioner was already rejected. Hence, the petitioner is



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directed to submit a fresh application along with his brother and mother and on receipt of the same, the first respondent shall act upon the said application without insisting for the 'No Objection' from the owner of the property in S.No.310/4B and act upon the same. This writ petition is disposed of in the above terms. No costs.

10-07-2025

KST

To

The Assistant Engineer
Operation and Maintenance
TANGEDCO, R.Muthupatti, Rasipuram Taluk
Namakkal District.



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N.ANAND VENKATESH, J.

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