



W.A.(MD)No.2020 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.01.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.2020 of 2023
and
C.M.P.(MD)No.15941 of 2023**

P.Alagar

... Appellant

Vs.

- 1.The Executive Engineer,
(Production and Distribution),
Tamilnadu Electricity Board,
Manamadurai Division,
Sivagangai District.
- 2.The Assistant Engineer(Electrical),
Tamilnadu Electricity Board,
Manamadurai Division,
Sivagangai District.
- 3.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.
- 4.P.Muniyandi

... Respondents



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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.15964 of 2020 dated 21.09.2023 on the file of this Court.

For Appellant : Mr.K.C.Ramalingam

For Respondents : Mr.S.Deendhayalan,
Standing Counsel for R1 & R2.
Mr.S.Shaji Bino,
Spl. Government Pleader for R3.
Mr.Selva Aditya,
For Mr.G.Prabhu Rajadurai for R4.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.Muniyandi and Alagar are brothers. An extent of 3 acres was assigned in favour of their father / Periyasamy Servai. During his life time, he had given away 1.5 acres in favour of his brother. Remaining 1.5 acres is enjoyed by Muniyandi and Alagar. It is seen that while Muniyandi is enjoying the northern portion, Alagar is enjoying the southern portion. The stand of Alagar is that there has been no formal partition. It is not in dispute that the revenue record even as on date

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stands only in the name of Periyasamy Servai. A well was dug by Muniyandi in the northern portion. Muniyandi wanted to avail electricity service connection under Jeevan Dhara Scheme introduced by the central government in the year 2006. One stipulation was that the applicant must have three acres of land. Even though Muniyandi was having only 75 cents, he was able to obtain electricity service connection by including the entire three acres of land that was assigned in favour Periyasamy Servai in his application. Fortunately, for Muniyandi, his aunt (Periyasamy Servai's sister-in-law / Kaliyammai) gave her consent. While so, Alagar subsequently dug a well in his southern portion. He approached TANGEDCO authority and got his name included as a joint consumer along with Muniyandi. This was put to challenge by Muniyandi in W.P.(MD)No.15964 of 2020. The learned Single Judge disposed of the writ petition vide order dated 21.09.2023 in the following terms:-

“5. After hearing the rival submission of the petitioner and the 4th respondent this Court has given its anxious consideration. It is seen that the petitioner had applied for electricity service connection under the scheme for carrying out agricultural



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activities and hence the electricity connection ought to stand in the name of the petitioner. At the same time this connection will not be an impediment to the parties to contest in the civil suits, since granting of electricity connection will not confer title. Hence the Civil Court is directed to consider the claim of the petitioner and the 4th respondent based on the documents and shall come to the conclusion independently.

6. If the 4th respondent needs any electricity service connection, he shall independently obtain the service connection for the southern portion of the land. If the 4th respondent is seeking service connection in the petitioner's land, in future the 4th respondent cannot get electricity service connection since the TANGEDCO would refuse to grant electricity connection by citing already he has electricity connection in his name. Therefore, the respondents are directed to delete the name of the 4th respondent in the Consumer Ledger forthwith. However it is made clear that this order will not be an impediment to determine the rights of the parties in the suit and the same shall be determined independently without referring to the observations made in this order."

Questioning the same, Alagar has filed this writ appeal.

3.It is beyond dispute that Muniyandi could not have obtained electricity service connection for the well in the northern portion unless



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the entire three acres of land had been shown in the application. It means that 75 cents of land belonging to Alagar was also included in the application. In all fairness, it must be noted that it was Muniyandi who took all the steps not only for digging the well but also for obtaining electricity service connection. We, therefore, confirm that Alagar's name should be deleted. However, Alagar is permitted to irrigate his 75 cents of land from and out of the well excavated in the northern portion. It is needless to mention that Kaliyammi's family will also be entitled to irrigate their 1.5 acres of land from and out of the very same well dug by Muniyandi. Thus, all the three parties namely, Muniyandi, Alagar and Kaliyammi's family will be entitled to irrigate their respective 75 cents, 75 cents and 1.5 acres of lands. Each of them will have two days turn per week. The two days turn is as follows:-

<i>Name</i>	<i>Days</i>
Muniyandi	Monday and Tuesday
Alagar	Wednesday and Thursday
Kaliyammi's Family	Friday and Saturday

The water from the well in question can be used only for irrigating the lands in S.Nos.26/1 and 26/2B and not for any other land. While Alagar is entitled to have pipelines for taking water from the well in question to



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his land in the southern portion, he cannot maintain any independent connection. The same shall be disconnected by the TANGEDCO immediately.

4.This writ appeal is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
29.01.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

The Tahsildar,
Manamadurai Taluk,
Sivagangai District.



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