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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.36361 of 2025

S.Kumaresan ... Petitioner

vs.

1.The Tamil Nadu Electricity Board,
Represented through its
Assistant Executive Engineer Distribution,
K.K.Nagar, Madurai-625 020.

2.Abiya Nagendra Iyer Nagar Poojai Vagaiyara
Anna Samaradanai Arakattalai,
represented through its President,
A.S.Subramanian,
S/o. A.R.Sundaram
D.No.3A IInd Floor,
Balarengapuram Main Road,
Munichalai, Madurai – 625 009.

3.Martin ... Respondents

(The third respondent was impleaded vide order of this Court, dated 03.02.2026)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent dated 05.12.2025 in Ka.No.U

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ChePo/Pa/K.K.Nagar/Va.Aa/Ko.N.Sc/A.No. 25/125, quash the same, as the same is arbitrary, ultravires, contrary to the Tamil Nadu Electricity Supply Rules and consequentially to direct the 1st respondent to provide Electricity service connection to the petitioner in respect of the Super Structure put up him in the properties comprised in R.S.Nos.92/3 and 92/4A admeasuring 77 cents, Uthangudi Village, Tamaraipatti Sub-District, Madurai North Registration District, Madurai District on the basis of the application dated 24.11.2025.

For Petitioner :Mr.R.G.Shankar Ganesh
For R1 :Mr.S.Deenadhayalan
For R3 :Mr.J.Bharathan

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O R D E R

The petitioner has approached this Court seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 05.12.2025 passed by the first respondent and to quash the same.

2. By the said order, the petitioner's request for providing electricity service connection to the subject property was rejected on the ground that an objection had been raised by the third respondent.

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3. The third respondent claims to be in possession of a portion of the property comprised in R.S. Nos.92/3 and 92/4A, situated at Uthangudi Village, Tamaraipatti Sub-District, Madurai North Registration District, Madurai District, by virtue of two registered sale deeds dated 20.07.2001. Admittedly, the patta issued in favour of the third respondent was cancelled at the instance of third parties claiming rights under the Apiya N. Nagendra Iyer Trust. Subsequently, a trust deed was created in the name of the second respondent, namely, Abiya Nagendra Iyer Nagar Poojai Vagaiyara Anna Samaradanai Arakattalai, Madurai, and the said Trust was registered on 03.02.2025.

4. The petitioner claims that the second respondent executed a usufructuary mortgage deed in his favour in respect of a portion of the property and received a sum of Rs.10,00,000/- as mortgage consideration. Pursuant to the said mortgage, the petitioner claims to have been put in possession of the property, whereupon he constructed a temporary shed and submitted an application to the first respondent seeking electricity service connection. The said application came to be rejected by way of the impugned order.

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5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. The petitioner admits that the second respondent has filed a suit in O.S. No.428 of 2025 before the Principal District Court, Madurai, against the third respondent seeking a declaration that the suit property belongs to the second respondent/plaintiff. In the said suit, no interim injunction has been granted restraining the third respondent from interfering with possession of the property. Further, the patta in respect of the suit property stands in the name of the earlier Trust and not in the name of the second respondent Trust or the petitioner. Except for a resolution passed by the second respondent, the petitioner has not produced any registered document evidencing that he was put in possession of the subject property as a mortgagee. The possession of the subject property is seriously disputed by the third respondent. Such disputed questions of fact cannot be adjudicated in proceedings under Article 226 of the Constitution of India.

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7. In such circumstances, the first respondent has rightly rejected the petitioner's application for electricity service connection to the subject property. The disputed questions of title and possession can be adjudicated only by the jurisdictional civil Court in the pending suit. Therefore, the impugned order passed by the first respondent does not warrant interference by this Court.

8. In view of the above, the writ petition stands dismissed, preserving liberty to the parties to work out their rights in the pending suit or by instituting appropriate civil proceedings.

9. There shall be no order as to costs.

Index :Yes / No **08.04.2026**
Internet :Yes / No
NCC :Yes / No

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HEMANT CHANDANGOUDAR, J.

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