



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2016

CORAM :

WEB COPY THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

Writ Appeal (MD) No.48 of 2016

Aruldoss @ Abubakkar Siddique

... Appellant

Vs.

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
Ramanathapuram.

2. The Additional Executive Engineer,
Tamil Nadu Electricity Board,
Mudukulathoor,
Ramanathapuram District.

3. The Executive Engineer,
Tamil Nadu Electricity Board,
Paramakudi,
Ramanathapuram District.

... Respondents

(cause title amended as per order
dated 22.01.2016)

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the Order dated 21.07.2014 made in W.P.(MD).No.4534 of 2014 on the file of this Court.

Prayer in WP(MD). 4534/ 2014 :

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to consider the petitioner's representation dated 12.11.2013 and consequently temporarily, disconnect in Service NO. 251 at Survey NO. 167/1P2 at Arappathi Village, Manalore Group, Mudukulathoor Taluk, Ramanathapuram District.

For Appellant : Mr.P.Muthusamy

For Respondents : Mrs.S.Srimathy

JUDGMENT

(Judgment of the Court was made by The Hon'ble The Chief Justice)

The third respondent in terms of oral prayer of the appellant is required to be substituted by a different entity, namely the Executive Engineer, Tamil Nadu Electricity Board, Paramakudi, Ramanathapuram District in view of the counter affidavit filed by the respondents. The

oral prayer is accepted and the cause title be amended accordingly.

2.The appellant initially instituted a suit for permanent injunction alleging that the electricity connection taken by him should be temporarily disconnected as the Jamath was using that electricity connection. It may be noticed that there is no charge for the electricity as it is a free connection. The finding arrived at is that the appellant obtained a connection for the benefit of the Jamath. The appeal preferred against the order of the trial Court has also been dismissed.

3.The appellant sought to start a second line of litigation in the writ proceedings while the appeal was still pending and the learned single Judge on account of the appeal then pending dismissed the writ petition vide the impugned order dated 21.07.2014.

4.Learned counsel for the appellant seeks to urge before us that the findings of the trial Court and the appellate Court are not correct. If that is the contention, he has to further follow up that matter and not in collateral proceedings, by filing writ petition.

5.Accordingly, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
Ramanathapuram.
2. The Additional Executive Engineer,
Tamil Nadu Electricity Board,
Mudukulathoor,
Ramanathapuram District.
3. The Executive Engineer,
Tamil Nadu Electricity Board,
Paramakudi,
Ramanathapuram District.

+ 1 CC TO MR.S.M.S.JOHNNY BASHA, ADVOCATE IN SR NO. 4160/16

SMS/GB

TE/SKS-RR/ : 08/02/2016 : 2P/5C

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