



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.A. [MD] .No.1597 of 2016

and

C.M.P. (MD) No.11988 of 2016

K.Palanisamy : Appellant

Vs.

1.A.Mariaselvam

2.The Executive Engineer,
(Operation and Maintenance),
TANGEDCO,
Thennur,
Trichy-17.

3.The Assistant Executive Engineer,
(Operations and Maintenance),
TANGEDCO,
Vannankovil,
Navaloor Kuttapattu,
Trichy.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order of a learned Single Judge dated 06.10.2016, made in W.P.(MD).No.19361 of 2016.

Prayer in WP(MD). 19361/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents herein to provide electricity service connection to the petitioner house bearing Door No.5/117, Bharathi Nagar, N.Kuttapattu, Trichy on the basis of the petitioner representation dated 07.07.2016.

For Appellant

: Mr.C.Jeganathan,

For M/s.Veera Associates

For Respondents 2&3

: Mrs.T.Rajeshwari,

For Mr.S.M.S.Johnny Basha

**JUDGMENT**

[Judgment of the Court was delivered by **R.SUBBIAH, J.**]

The appellant herein is a third party. Aggrieved over the order passed by the learned Single Judge, directing the Electricity Board, to provide electricity connection, based on the application submitted by the first respondent, he has filed the present Writ Appeal.

2. When the appeal was taken up for consideration, the learned counsel for the appellant submitted that he has filed the present appeal on the apprehension that the Electricity Board is going to provide electricity connection to the first respondent through the patta land of the appellant bearing S.F.No.342/1, which is under dispute. In fact, a civil suit is pending in respect of the very same property in S.F.No.342/1 between the appellant and the first respondent. Now, the appellant came to know that the Electricity Board is going to provide electricity connection to the first respondent through an alternative way and not on S.F.No.342/1, which is under dispute. Hence, the learned counsel for the appellant sought permission of this Court to withdraw the Writ Appeal and he has also made an endorsement to that effect. Recording the same, permission is granted and the Writ Appeal is dismissed as withdrawn. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

SML

+1cc to M/s VEERA ASSOCIATES, Advocate Sr.No. **82895**

JAM/04.01.2017/SKN/2P-2C

**JUDGMENT MADE IN
W.A. (MD) No.1597 of 2016
Dated: 20.12.2016**