



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A (MD)No.1015 of 2017

and

C.M.P. (MD).No.8140 of 2017

S.Kumar

... Appellants/3rd Party

Vs.

1.R.Madurai Veeran

...1st Respondent/Writ Petitioner

2.The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
Jeevanagar,
Madurai.

... 2nd Respondent/Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying this Court against the order of this Court dated 05.12.2014 passed in W.P.(MD).No.19793 of 2014.

Prayer in WP(MD). 19793/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records of the Respondent s Impugned Order proceedings in Ka. No. EiMiPo /Pa / Jeeva / VaVu / Kokattu / No. 295/14 dated 21.11.2014 and quash the same as illegal and consequently directing the Respondent to provide electricity to the Petitioner s occupation bearing Door Nos. 16A/11 and 16A/12, Ramaiah Street, Jaihindpuram, Madurai.

For Appellant	: Mr.T.Antony Arulraj
For R2	: Mr.S.M.S.Johny Basha
For R1	: No appearance

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

Heard the learned counsel appearing for the appellant. Despite the notice been served, none appears for the first respondent.

2.The learned counsel appearing for the appellant would submit that suppressing the material facts, an order has been obtained in the writ petition. He further submitted that the appellant is a bona fide purchaser for value of the house situated in Door No.16A/12 and the property was purchased on 21.11.2013 and thereafter, the second respondent passed an order changing the



service connection in the name of the appellant by proceedings dated 19.02.2014. The first respondent/writ petitioner was stated to be the agreement holder of the vendor of the appellant and he has also filed a suit for specific performance. Suppressing the above facts, the writ petition has been filed and electricity service connection has been obtained. Even in the writ petition, the vendor of the appellant was not made as a party.

3.Considering the above, we are of the view that the order passed by the learned Single Judge is liable to be set aside.

4.Admittedly, the facts as narrated above, have not been placed on record. The sale deed registered in favour of the appellant and the pendency of the suit initiated by the first respondent, was also not brought to the knowledge of this Court.

5.In such view of the matter, the order of the learned Single Judge is set aside, insofar as the property bearing D.No.16A/12 is concerned. We take note of the fact that the order passed by the second respondent dated 19.02.2014 was not brought to the notice of the learned Single Judge.

6.Accordingly, the writ appeal is allowed. No costs. Consequently, the connected miscellaneous petition is closed. However, it is made clear that this order would not stand in the way of deciding the pending suit, initiated by the first respondent.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
Jeevanagar, Madurai.

+1cc to M/S.T.Antony Arulraj, Advocate SR.No. 76939

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