



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM:

**THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN**

W.P. (MD) No.8379 of 2013

and

M.P. (MD) No.1 of 2013

K.Gunasekaran

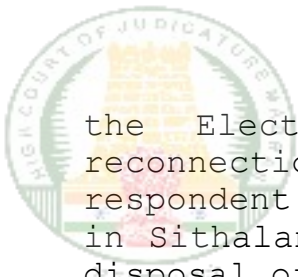
... Petitioner

**-Vs-**

1. The Superintending Engineer,  
Tamil Nadu Generation and  
Distribution Corporation (TNEB),  
Madurai Circle, Race Course Road,  
K.Pudur,  
Madurai-625 007.
2. The Assistant Executive Engineer (Electrical),  
Tamil Nadu Generation and  
Distribution Corporation (TNEB),  
Samayanallur,  
Madurai District.
3. M/s.Mappillai Vinayagar Roller Flour Mills,  
Represented by its Partner, Mr.K.Kathirvel,  
Nagari,  
Madurai District.
4. K.Kathirvel
5. K.Balamuruganandam
6. K.Vetrivel Kannan
7. M/s.Jay Jothi Foods Private Limited,  
Represented by its Managing Director,  
Mr.P.Jeyasankar,  
S/o.A.Perumal Pillai,  
No.15, Annai Sathya Street,  
Thirunagar 5<sup>th</sup> Stop,  
Madurai-6.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first and second respondents to comply with



the Electricity rules and restrain from giving electricity reconnection to HT Connection No.76 in the premises of the 3<sup>rd</sup> respondent situated in Survey No.166/6 & 6B and Survey No.166/7 & 7B in Sithalangudi Village, Vadipatti Taluk, Madurai District till the disposal of all the disputes in respect of the 3<sup>rd</sup> respondent-Mill.

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For Petitioner : Mr.R.M.Makesh Kumaravel  
For R1 and R2 : Mr.E.P.Venkateshwar  
for S.M.S.Johny Basha  
For R3 to R7 : No appearance

### ORDER

According to the petitioner, the petitioner along with the respondents 4 to 6 and their father and the petitioner's brother formed a partnership firm in the name and style of Mappillai Vinayagar Roller Flour Mills, and they also availed loan from the State Bank of India. Thereafter, the respondents 4 to 6 created a forged partnership dissolution deed, as if the petitioner and his brother retired from the partnership. Subsequently, the petitioner has given a criminal complaint against the respondents 4 to 6, and the criminal case was also registered in Crime No.11 of 2007 by the District Crime Branch, Madurai, and the matter is pending in C.C.No.164 of 2011 before the Judicial Magistrate Court No.1, Madurai. Thereafter, the respondents 4 to 6 also filed a suit in O.S.No.296 of 2010 on the file of the Principal Sub-Court, Madurai to declare that the petitioner is not a partner in the above said mill. Now, both cases are pending. In the mean time, due to non-payment of consumption charges, the first respondent / Electricity Board disconnected the service connection to the said mill. Now, the 7<sup>th</sup> respondent herein is taking steps to restore the service connection by paying consumption charges. In the above circumstances, the petitioner sent a representation to the respondents 1 and 2 not to restore the service connection. Despite the same, they are taking steps to restore the service connection, hence, the present writ petition has been filed.

2.Admittedly, the service connection stands in the name of the 4<sup>th</sup> respondent Kathirvel, who is one of the partner of the said mill, and the criminal case and civil suit are pending between the parties, and the same are yet to reach finality. In the above circumstances, the petitioner cannot prevent the respondents 1 and 2 from restoring the service connection in the event of payment of consumption charges. Apart from that the learned counsel for the petitioner also submitted that the service connection is already restored on 09.05.2013 itself.



3. In the above circumstances, the prayer sought for in this writ petition cannot be granted. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-  
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

MYR  
TE/JC/SAR-3 : 19/04/2018 : 3P/1C

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