

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 14.03.2018**

**CORAM**

**THE HONOURABLE MR. JUSTICE V.PARTHIBAN**

**WP.No.4184 of 2011 and**  
**M.P.No.1 of 2011**

Mrs.Kamalammal

...Petitioner

Vs.

1. The Assistant Executive Engineer,  
Tamil Nadu Electricity Board,  
Sendur.

2. The Junior Engineer,  
Operation & Maintenance,  
Tamil Nadu Electricity Board,  
Rettannai.

3. Mr.Boopathy

...Respondents

**PRAYER:** Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to forbear the 1<sup>st</sup> and 2<sup>nd</sup> respondents from effecting or giving E.B.Service connection pertaining to S.No.77/11 and 77/11B, Marur village, Gingee taluk, Villupuram District, without consent of the petitioner.

For Petitioner : Mr.T.Ramachandran

For Respondents : Mr.M.Varunkumar for R1& R2  
Mr.K.S.Gnanasambandam for R3

### **ORDER**

This Writ Petition has been filed by the petitioner, praying to issue Writ of Mandamus, to forbear 1<sup>st</sup> and 2<sup>nd</sup> respondents from effecting or giving E.B.Service connection pertaining to S.No.77/11 and 77/11B, Marur village, Gingee taluk, Villupuram District, without consent of the petitioner.

2. According to the petitioner, she purchased a piece of land comprised in S.No.77/11 measuring 0.43 cents situated at Marur village, Gingee taluk, Villupuram District on 5.5.1984. According to her, ever since of purchase of the land, she and her family are in possession and enjoyment of the same. The third respondent had fabricated the documents pertaining to the property which was under occupation of the petitioner and obtained UDR patta in his name. In the said circumstances, a

suit has been filed in O.S.No.14 of 2011 before the District Munsif Court, Gingee by the petitioner. While so, it appears that the 3<sup>rd</sup> respondent approached respondents 1 and 2 for allotment of E.B.service connection in his name in respect of the subject property. Therefore, the petitioner issued a legal notice to the respondents 1 and 2 not to give service connection in favour of the 3<sup>rd</sup> respondent since title dispute in respect of the subject property is pending. The request of the 3<sup>rd</sup> respondent is likely to be considered, the petitioner is before this Court, seeking for the issuance of a Writ of Mandamus, to forbear the respondents 1 and 2 from giving EB connection in respect to the subject property.

3. From the above narrative, it is clear that the petitioner has property dispute as against 3<sup>rd</sup> respondent in S.Nos.77/11 and 77/11B, Marur village, Gingee taluk, Villupruam District. The dispute appears to be purely civil in nature and any fallout of the dispute like providing electricity connection to the property in question cannot be collaterally agitated before

this Court by invoking its extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. If this Court were to accept the contentions of the petitioner, it would almost accepting the title of the petitioner which dispute is pending before the competent civil Court in O.S.No.14 of 2011. In case the petitioner is aggrieved by any service being given to the 3<sup>rd</sup> respondent, it is always open to him to work out his remedy before the Court in which the Original Suit is pending and it is certainly not open to the petitioner to approach this Court under Article 226 of the Constitution of India. Any consideration of the Writ Petition by this Court would have a direct bearing on the pending suit as between the petitioner and the 3<sup>rd</sup> respondent. In any event, mandamus of this nature cannot be issued which touches upon the title dispute between the petitioner and the 3<sup>rd</sup> respondent and such dispute falls entirely within the realm of civil dispute, which cannot be agitated before this Court in writ jurisdiction.

4. For the above said reasons, this Court finds that the Writ Petition is not maintainable and hence, the same is dismissed. No costs. Consequently, connected MP is closed.

Suk

14-03-2019

To

1. The Assistant Executive Engineer,  
Tamil Nadu Electricity Board,  
Sendur.

2. The Junior Engineer,  
Operation & Maintenance,  
Tamil Nadu Electricity Board,  
Rettannai.



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**V.PARTHIBAN, J.**

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