



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.3858 of 2015

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A.Brito

... Petitioner

Vs

1.The Superintendent Engineer,
Tamil Nadu Electricity Board,
Meenakshinayakanpatti,
Dindigul, Dindigul (DT).

2.The Executive Engineer,
Tamil Nadu Electricity Board(North),
Meenakshinayakanpatti,
Dindigul.

3.Pandiperumal

4.Mumtaj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 and 2 to cancel the new electricity service connection No.206-003-225, 206-003-937, 206-003-707, 206-003-708 and 206-003-709 are situated at Anthoniar Kovil Street, Pallapatti Panchayat, Begambur (Po), Dindigul (TK), Dindigul District on the basis of the petitioner's representation dated 05.03.2014.

For Petitioner : Mr.T.Selvan

For R1 & R2 : Mr.S.M.S.Johnny Basha

For R3 : Mr.J.Lawrance

ORDER

Heard the learned counsel on either side.

2. The petitioner wants disconnection of the petition mentioned service connections. The case of the petitioner is that the property as well as the electricity service connection stood in the name of his mother Metilda Mary. The property was however left to the management of her brother V.K.Chamber lane. The petitioner has been residing elsewhere. Taking advantage of the same, after the demise of Metilda Mary, documents have been created. Based on the same, the petition mentioned service connections were also transferred to the names of the private respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Eventhough there appears to be some force in the contention



of the writ petitioner, I am not in a position to grant relief in this writ petition only for the reason that the name transfer took place way back in the year 2002. This writ petition came to be filed only in the year 2015. Therefore, only on the ground of laches, I decline to grant relief in this writ petition.

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4. The learned Standing counsel appearing for the respondent 1 and 2 would point out that one service connection has been standing in the name of Venkattambal and V. Pandiperumal even in the year 1998.

5. The learned counsel for the petitioner further states that the petitioner has already filed a civil suit in O.S.No.286 of 2014 on the file of the Principal Sub-Court, Dindigul. The petitioner's real contest should be only in the said civil proceedings. Therefore, the learned trial Judge is directed to dispose of the said suit on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. It is made clear that this Court has not pronounced anything on the merits of the matter. The rights of the writ petitioner are left open. No costs.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

To

The Principal Sub Judge,
Dindigul

+1 cc to Mr. 'T.Selvan , Advocate SR.No.54164
+1 cc to Mr. J.Lawrance, Advocate SR.No.54411

rmk

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