



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P (MD) No.19956 of 2015

P.Ravichandran

.. Petitioner

Vs.

1.The Superintendent Engineer,
Tamil Nadu Electricity Board,
Dindigul.

2.The Assistant Engineer,
Operative & Maintenance,
Tamil Nadu Electricity Board,
Siluvathur,
Dindigul (DT).

3.Soma Sundaram

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2nd respondent to cancel the service connection No.237-0B-522 in the name of 3rd respondent with regard to house in D.No.1/1 in Kothapulipatti, Survey No.123/1B2 situated at Dindigul (Tk), Dikndigul (Dt).

For Petitioner : Mr.G.Gomathisankar

For R1 & R2 : Mrs.M.Rajeswari

for Mr.SMS.Johny Basha

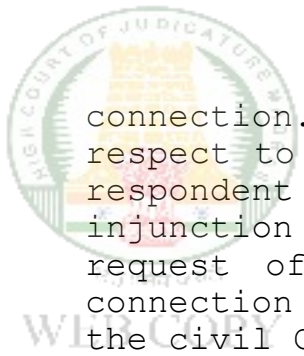
For R3 : Mr.F.X.Eugene

ORDER

The petitioner and third respondent are brothers. Originally, a joint patta was issued in favour of all the three brothers. Later, by suppressing the facts, the third respondent obtained No Objection Certificate, as if he is the sole owner of the property. Thereafter, it was cancelled by the Tahsildar. On that basis, the petitioner wants disconnection of electricity service connection provided to the third respondent.

2.I have heard the submissions made by both the parties.

3.Admittedly, the third respondent has constructed a house and after executing indemnity bond, he obtained electricity service



connection. A civil suit is also filed by the petitioner with respect to the same property. It is an admitted fact that the third respondent is also one of the co-sharers. The petitioner cannot seek injunction against the co-sharer. In that view of the matter, the request of the petitioner to disconnect the electricity service connection is not maintainable. He has to work out his remedy before the civil Court.

4.The writ petition does not merit any consideration and it is dismissed accordingly. No costs.

Sd/-

Assistant Registrar(Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

mj

+1CC TO MR.F.X.EUGENE, Advocate Sr. No.99779

+1CC TO MR.G.GOMATHI SANKAR, Advocate Sr. No. 99841

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KM(CO)

TR(03.12.2019)2P 3C