



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7265 of 2020

and

W.M.P.(MD)Nos.6707 and 6709 of 2020

WEB COPY

P.Shanmugavel

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
(TANGEDCO), Tirunelveli Circle,
Tirunelveli, Tirunelveli District.

2.The Assistant Engineer (Town),
TANGEDCO,
Shanthi Nagar Divison,
Palayamkottai, Tirunelveli District.

3.The Commissioner,
Tirunelveli Corporation,
Tirunelveli, Tirunelveli District.

4.The Executive Officer,
Arulmighu Venkatachalapathy Thirukovil,
Thimmarasapuram,
Palayamkottai Taluk,
Tirunelveli District.

5.P.Sundaram.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to disconnect the electricity service connections Nos.SDQ-1545, SDQ-1572, SDQ-1557, SDQ-1623 and SDQ-1662 in five shops at Survey No.163, Thimmarasapuram Village, Palayamkottai Taluk, Tirunelveli District having been obtained by the 5th respondent by means of fraud and fabrication of document and also further direct the 3rd respondent to cancel the name transfer of metro water connection and tax assessment bearing No.29076 to the said property bearing Survey No.163, Thimmarasapuram Village, Palayamkottai Taluk, Tirunelveli District as from the name of the 5th respondent to its original position forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.S.M.S.Johnny Basha,

Standing Counsel for R1 & R2

Mr.Ayiram K.Selvakumar for R3

Mr.H.Arumugam for R4



O R D E R

Heard the learned counsel on either side.

2.The writ petitioner and the fifth respondent are brothers. The petitioner would claim that their father namely., Pooluthevar though aged 103 years is still healthy and alive. According to him, the property in question belongs to their father. But the fifth respondent is said to have made it appear as if their father is no more and he had obtained electricity connection. The petitioner wants the said connection to be disconnected.

3.When the matter was taken up for hearing, the learned counsel appearing for the fourth respondent/temple would state that the property on which the premises are standing belongs to the temple and that the petitioner as well as the fifth respondent are rank encroachers. The learned standing counsel for the TANGEDCO would state that following the order dated 27.07.2015 made in W.P.(MD) No.13238 of 2015, the electricity Board took the indemnity bond from the fifth respondent and granted him connection. It is seen that the temple was not heard before the said order was passed.

4.In fact the temple authorities are ready to regularize the occupants, provide they come forward to become regular tenants of the temple.

5.In these circumstances, I permit the the fourth respondent herein to submit a representation to the second respondent and the second respondent would take action thereon after putting the fifth respondent on notice. The entire exercise shall be concluded within a period of 12 weeks from the date of receipt of a copy of this order. The writ petition is disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the

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order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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KK(10.09.2020) 3P 5C