



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30.12.2020

CORAM

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

W.P. (MD)No.19972 of 2020

and

W.M.P (MD)No.16631 of 2020

WEB COPY

Tharageshwari

.. Petitioner

Vs.

1.The Superintendent Engineer,
Tamil Nadu Electricity Board,
Sivagangai,
Sivagangai District.

2.The Assistant Engineer (Distribution),
Tamil Nadu Electricity Board (TANGEDCO),
Thiruppuvanam Circle,
Sivagnagai District.

3.The Assistant Executive Engineer (Distribution),
Tamil Nadu Electricity Board, (TANGEDCO),
Thiruppuvanam Circle,
Sivagangai District.

4.Mr.Somasundara Barathy

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order made in Ka.No.UMiPo/Pa/Merku/Thiruppuvanam/2Aa/Ko.Manu/A.No.285/20-2 dated 19.12.2020 on the file of the second respondent and quash the same and further directing the second respondent not to provide electricity connection to the temporary Shed constructed by the fourth respondent in the disputed land bearing S.No.11/1B2 situated at Nelmudikarai Village Group, Thiruppuvanam Taluk, Sivagangai District admeasuring about 57 cents.

For Petitioner : Mr.V.Kannan

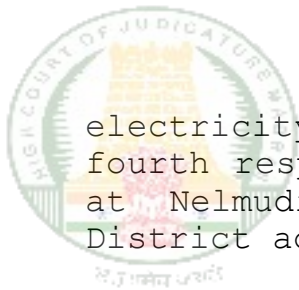
For R1 to R3 : Mrs.M.Rajeswari

for Mr.S.M.S.Johnny Basha

Standing Counsel for TANGEDCO

ORDER

The petitioner has filed the present writ petition seeking to quash the order passed by the second respondent, dated 19.12.2020 and further to direct the second respondent not to provide



electricity connection to the temporary Shed constructed by the fourth respondent in the disputed land bearing S.No.11/1B2 situated at Nelmudikarai Village Group, Thiruppuvanam Taluk, Sivagangai District admeasuring to an extent of 57 cents.

2. The learned counsel appearing for the petitioner would submit that the fourth respondent has already filed a suit in O.S.No.16 of 2015 on the file of the District Court, Sivagangai for partition and the same is pending. During the pendency of the suit, the fourth respondent has applied for electricity connection, for which, the second respondent issued the impugned order, dated 19.12.2020. Challenging the said impugned order, the petitioner has filed the present writ petition.

3. Already the fourth respondent has filed a suit for partition in O.S.No.16 of 2015 and the same is pending and he has also applied for temporary electricity connection. Though the petitioner raised an objection, the second respondent asked the petitioner to produce the documents showing that he is the absolute owner of the entire property, within seven days.

4. The petitioner is only the co-owner of the property in question and a civil suit is also pending before the Civil Court. Therefore, the petitioner shall work out his remedy before the Civil Court and establish his title of the property. Hence, no direction can be issued in this writ petition since the civil dispute is pending. In view of the fact that the jurisdiction of the Civil Court is already being invoked, in which the petitioner has been also shown as one of the defendants in the said suit, this Court is not inclined to invoke the Writ Jurisdiction under Article 226 of the Constitution of India. Therefore, this writ petition is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

am/ssl

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



To

- 1.The Superintendent Engineer,
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Sivagangai,
Sivagangai District.
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