



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.11399 of 2014

S.Dhanapaul

... Petitioner

Vs

1.The Superintending Engineer,
TANGEDCO, T.N.E.B. Head Quarter,
Trichy By-pass Road,
Dindigul District.

2.The Assistant Engineer
TANGEDCO, Ammaianayakkanoor,
Ammaianayakkanoor Post,
Nilakottai (TK),
Dindigul District.

3.Virudhunagar Hindu Nadar's Abiviruthi
Palasarakku Kadai Mahamai,
Rep by its Secretary,
D.K.S.P.A. Shanmuga Moorthi,
S/o.Arunachala Nadar,
170, Kezhakadai Street,
Virudhunagar - 626 001.

4.Mosses Kirubai

5.Ganagasabapathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's order in Ka.No.Umipo/E.Pe/Am/Ko-Thani/A.No.099/14 dated 02.07.2014 and quash the same and consequently direct the respondents 1 and 2 to cancel the 5th respondent name in the Electricity Consumption connection No.247-001-75 and restore the original consumer name Yesuvadiyan.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mrs.M.Rajeswari
for Mr.S.M.S.Johnny Basha for R1 & R2

: Mr.A.Abdul Wahab for R3 to R6

ORDER

This petitioner has already approached the Civil Court in O.S.No.15 of 2014, which is now pending on the file of the District Munsif Court, Nilakottai, Dindigul District. Under the

<https://hcmjsgovts.gov.in/services/> the second respondent has rejected the request of



the petitioner to change the electricity service connection into his name, in view of the fact that a civil suit is pending between the petitioner and the private respondents with regard to the ownership of the property in respect of which the petitioner had sought for change of electricity service connection in his name.

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2.Heard Mr.A.Haja Mohideen, learned counsel appearing for the petitioner, Mrs.M.Rajeswari for Mr.S.M.S.Johnny Basha, learned standing counsel appearing for the first and second respondents and Mr.M.A.Abdul Wahab, learned counsel appearing for the respondents 3 to 6.

3.Admittedly, the petitioner has filed a civil suit against the District Collector, Tahsildar and the third and fourth respondents as the subject property is a disputed property. The petitioner will have to necessarily workout his remedy only in the civil suit and the writ petition is not maintainable as there are disputed questions of facts involved.

4.For the foregoing reasons, the writ petition is dismissed and the first and second respondents are at liberty to change the electricity service connection for the subject property in the name of the petitioner subject to the result of the civil suit in O.S.No.15 of 2014. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

IAS

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.

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