



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.1784 of 2017
and
W.M.P. (MD)No.1469 of 2017

N.S.Karuppusamy

... Petitioner

Vs.

- 1.The Superintendent Engineer,
Tamil Nadu Electricity Board,
Meenatchinayakanpatty (Post),
Dindigul District.
- 2.The Assistant Engineer,
Tamil Nadu Electricity Board,
Ambilikai Post, Ambilikai Taluk,
Dindigul District.
- 3.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Ottanchathiram Division,
Tharapuram Road,
Dindigul District.
- 4.N.Sellappa Gounder
- 5.M.Karuppasamy
- 6.P.Krishnan

... Respondents

(R4 to R6 impleaded as party respondents vide order dated 21.07.2020 made in W.M.P. (MD)No.2784 of 2017)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to give necessary direction to the third respondent to restore the name of the petitioner's father in Service Connection Nos.42, 357 and 413 based on the representation of the petitioner dated 23.01.2017 within the period stipulated by this Court.



For Petitioner : Mr.M.Benazir Begum
For R1 to R3 : Ms.M.Rajeshwari
for Mr.S.M.S.Johny Basha
Standing Counsel
For R6 : Mr.R.Jegadeshwaran

WEB COPY

ORDER

Heard Mr.M.Benazir Begum, learned counsel appearing for the petitioner, Ms.M.Rajeshwari, learned Counsel for Mr.S.M.S.Johny Basha, learned Standing Counsel appearing for the first to third respondents and Mr.R.Jegadeshwaran, learned counsel appearing for the sixth respondent.

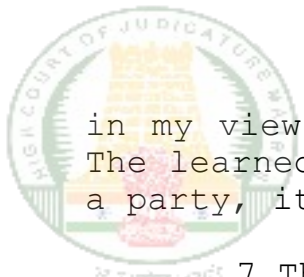
2. The petitioner says that the respondent had illegally transferred the petition mentioned service connection to the 6th respondent namely, Mr.P.Krishnan. The petitioner wants restoration of the same in the name of his father.

3. It appears that there was a partition in the family of the petitioner on 24.11.2009. The petitioner had later executed power of attorney on 24.12.2012 in favour of one Mr.Karuppusamy. It is further seen that based on the said power of attorney, Mr.Karuppusamy had sold the property in question in favour of Mr.Krishnan, sixth respondent herein, on 11.03.2013.

4. The learned counsel for the petitioner points out that in this regard a case in Crime No.134 of 2013 has been registered against the said Krishnan, M.Karuppusamy and one Dhandapani. Thereafter, a suit in O.S.No.151/2016 has been filed before the Sub Court, Palani by the petitioner's father.

5. The learned Standing Counsel appearing for the Tamil Nadu Electricity Board, submitted that the revenue records reflected the name of Mr.Krishnan and that is why, the Electricity Board Authorities acted on the same and effected mutation.

6. I am of the view that in view of the disputed questions of fact that have arisen in this case, I would not be justified in going into the same and also I am of the view that the respondents 1 to 3 can be directed to abide by the outcome of the suit proceedings in O.S.No.151 of 2016 pending on the file of the Sub Court, Palani. I have not gone into the rival contentions. The rights of the petitioner as well as that of his father are left open. The same shall be established in the pending suit. The learned trial Judge is directed to conclude the case on merits within a period of six months after lock-down is lifted and regular hearings resume. This



in my view should give quietus to the controversies in the future. The learned Standing Counsel states that even though TANGEDCO is not a party, it will abide by the outcome of the suit proceedings.

7. This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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.

W.P. (MD) No. 1784 of 2017

22.07.2020

ta

SDS (04.08.2020) 3P-1C