

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2021

CORAM:

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.4348 of 2015
and
M.P.No.1 of 2015

Thangamani,
W/o.Duraisamy

... Petitioner

Vs

1. The Chief Engineer,
TANGEDCO, Erode.
2. The Executive Engineer,
TANGEDCO, Erode-South.
3. The Asst. Executive Engineer,
TANGEDCO, Kodumudi.
4. The Asst. Junior Engineer
(Operation & Maintenance)
TANGEDCO, Tamaraipalayam,
Erode District.

5. Yuvarani,
D/o. Arjunan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to conduct an enquiry for disconnecting the Service Connection to the agricultural land measuring an extent of 0.25.5 Ars comprised in Re-Survey No.390/3 of Konthalam.A Village, Erode Taluk, Erode District in favour of the 5th respondent.

For Petitioner : Mr.Thiageswaran
for Mr.M.Saravanakumar

For R1 to R4 : Mr.N.Damodaran

For R5 : No appearance

ORDER

The present writ petition has been filed by the petitioner for a Mandamus, directing the 1st to 4th respondents to conduct enquiry for disconnecting the Service Connection to the agricultural land measuring an extent of 0.25.5 Ars comprised in Re-Survey No.390/3 of Konthalam.A Village, Erode Taluk, Erode District in favour of the 5th respondent.

2. The petitioner relates to the owner of the free land allotted by the Government of Tamil Nadu on 15.09.2016. It is submitted that the 5th respondent claiming rights over the same has obtained power connection and under these circumstances, representations dated 12.02.2015, 13.02.2015 were sent to the 1st to 4th respondents. However, these representations have not been considered by the 1st to 4th respondents. It is further submitted that the 5th respondent had filed a suit in O.S.No.125 of 2006 before the District Munsif Court, Kodumudi, for permanent injunction to restrain the petitioner and her husband's brother not to interfere with the peaceful possession and enjoyment of the property. Further, the suit filed by the 5th respondent was dismissed by the District Munsif, Kodumudi vide a Judgment and Decree dated 23.07.2008.

3. It was observed that the land absolutely belong to the Government and therefore, was allotted to the petitioner. Be that as it may, it is noticed that the 5th respondent has filed an appeal in A.S.No.58 of 2009 before the Principal District Court, Erode, wherein, Judgment was passed by the District Munsif Court, Kodumudi was set aside. Against the said order, the petitioner has preferred an appeal in S.A.No.154 of 2010, and had obtained stay and attempt of the petitioner, to seek disconnection of the power supply in respect of the 5th respondent cannot be permitted. Subsequently there cannot be a direction to the respondents to consider the application/representation of the petitioner at this stage.

4. The right of the petitioner over the land is still subject matter of the second appeal in S.A.No.154 of 2010. Considering the same, I find no merits in the present writ petition. Accordingly, the present writ petition is liable to be dismissed. At the same time, it is made clear that in case the petitioner succeeds in S.A.No.154 of 2010, it was open for the petitioner to approach the 1st to 4th respondents for disconnecting the power connection.

5. This Writ Petition stands dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

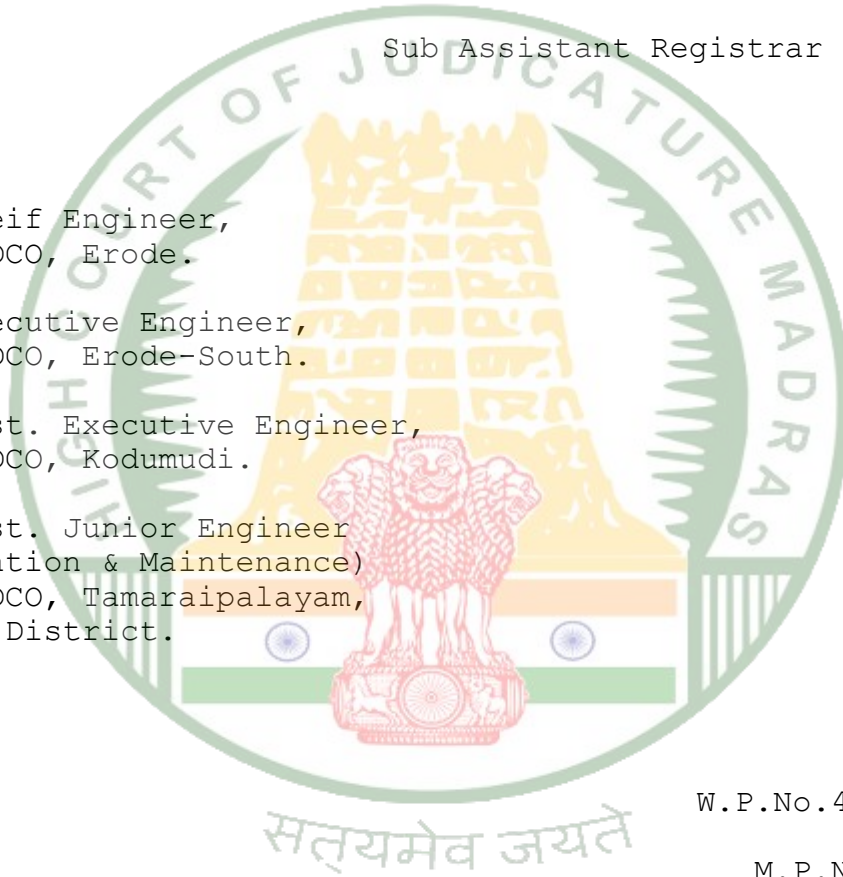
Assistant Registrar(CS IV)

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Sub Assistant Registrar

arb
To

1. The Cheif Engineer,
TANGEDCO, Erode.
2. The Executive Engineer,
TANGEDCO, Erode-South.
3. The Asst. Executive Engineer,
TANGEDCO, Kodumudi.
4. The Asst. Junior Engineer
(Operation & Maintenance)
TANGEDCO, Tamaraipalayam,
Erode District.



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srg 25/02/2021

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