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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.21580 of 2019
& W.M.P. No. 20786 of 2019

1. Venkatachalpathy Naidu

2. M.Udayakumar

3. K.Manjula

4. M.Geetha

5. R.Dhanaraj

6. R.Govindaraj

7. S.G.Janarthanan

8. S.G.Lakshmipathi

9. S.G.Padmanabhan

10. D.Suryakumari

11. R.Jayalakshmi

12. J.Giriya

... Petitioners

-Vs-

1. The Chairman-cum-Managing Director
TANGEDCO, No.144 Anna Salai,
Chennai 600 002.

2. The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
TANGEDCO,
Kancheepuram District.

3. The Executive Engineer/O&M,
TANGEDCO at Thirumazhisai
Tiruvallur District



4. The Assistant Executive Engineer/O&M
TANGEDCO, KEDC, Kadambattur,
Tiruvallur Taluk and District.

5. The Junior Engineer/O&M
TANGEDCO, KEDC, Perambakkam,
Tiruvallur Taluk and District.

6. T.Karunanithi

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directs the respondents 1 to 5 to disconnect the illegal connection given to the sixth respondent against the Court verdict passed in O.S. No. 711 of 1989 on the file of the District Munsif, Thiruvallur.

For Petitioners	:	M/S R.Karunakaran
For Respondents	:	Mr. L.Jai Venkatesh Standing Counsel

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondents 1 to 5 to act upon the representation made by the petitioners on 30.09.2018, wherein the petitioner has sought for disconnection of the service connection given to the 6th respondent.

2. The father of the 6th respondent claimed ownership over the subject property and filed a suit in O.S. No. 879 of 1988 for the relief of permanent injunction before the District Munsif Court at Thiruvallur. The petitioners also filed a suit in O.S.No. 711 of 1989 against respondents 3 to 5 and also the father of the 6th respondent seeking for the relief of permanent injunction not to effect electricity service connection.

3. The learned District Minsif of Thiruvallur by judgment and decree dated 24.02.1997 decreed the suit filed by the petitioners and dismissed the suit filed by the father of the 6th respondent.

4. The judgment and decree passed in both the suits were taken on appeal by the father of the 6th respondent and the appeal was filed with delay. The Condone Delay Petitions came to be dismissed by an order dated 10.09.2013. Thus, the judgment and decree passed in both the suits became final.

5. The petitioners thereafter made a representation to the respondents to act upon the decree passed by the competent Civil



Court and to withdraw the service connection given in the name of the 6th respondent. Since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

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6. Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the respondents.

7. Taking into consideration the facts and circumstances of the case and also considering the judgment and decree passed in O.S. No.879 of 1988 and O.S. No. 711 of 1989 and also the Counter Affidavit filed by the 5th respondent, there shall be a direction to the 5th respondent to act upon the representation made by the petitioners on 30.09.2018 in line with the decrees passed by the competent Civil court and a decision shall be taken strictly in accordance with law within a period of 4 weeks from the date of receipt of the copy of this order.

8. The petitioners are directed to make a fresh representation to the 5th respondent along with all the relevant documents and also a copy of this order.

9. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Sha

To

1. The Chairman-cum-Managing Director
TANGEDCO, No.144 Anna Salai,
Chennai 600 002.
2. The Superintending Engineer,
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TANGEDCO,
Kancheepuram District.
3. The Executive Engineer/O&M,
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4. The Assistant Executive Engineer/O&M
TANGEDCO, KEDC, Kadambattur,
Tiruvallur Taluk and District.

5. The Junior Engineer/O&M
TANGEDCO, KEDC, Perambakkam,
Tiruvallur Taluk and District.

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No. 52489

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KSM(CO)
GN(26/10/2021)