



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.NO.26448 OF 2019
AND WMP.NO.25812 & 25816 OF 2019

Vengai Rajendran

... Petitioner

.Vs.

1. The District Collector,
Erode District.
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Erode Division,
948, EVN Road, Erode.
3. C.Goutham
4. C.Gowtham

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari calling for the records relating to the impugned order dated 01.08.2019 in Na.ka.No.17125/2019/K.4 passed by the first respondent and quash the same.

For Petitioners: Mr.R.Mohan

For Respondent : Mrs.G.Sangamithirai	R1
Special Government Pleader	
Mr.Abul Kalam	R2
Standing Counsel	
Mr.Kaithamalai Kumaran	R3

O R D E R

This Writ Petition has been filed challenging the impugned order dated 01.08.2019 in Na.ka.No.17125/2019/K.4 passed by the first respondent and quash the same.



2. The case of the petitioner is that the respondents 3 & 4 made a complaint before the respondents as if the petitioner illegally obtained electricity connection from the land owned by them, for which, the respondents 3 & 4 have already filed a suit in O.S.No.181 of 2011 against the petitioner for permanent injunction and the said suit was decreed in their favour. As against the same, the petitioner filed an appeal A.S.No.81 of 2018 before the Principal District Judge, Erode and the same is pending. In the meanwhile, the first respondent has passed an order to disconnect the electricity connection in the petitioner's land. Challenging the said order, the petitioner has filed the present writ petition before this court.

3. The learned counsel for the petitioner submitted that the impugned order has been passed even without considering the facts and the first respondent has no authority to pass such an order. Hence, the learned counsel prays to allow this writ petition.

4. Heard the learned counsel for the petitioner, the learned special Government Pleader for the first respondent and the learned Standing Counsel for the second respondent and the learned counsel for the respondents 3 & 4 and perused the materials available on record.

5. It is seen from records that the respondents 3 & 4 have filed a suit for permanent injunction and the same was decreed in their favour. As against the decree, the petitioner filed an appeal and the same was pending. While the matter stood thus, the first respondent has rightly passed the impugned order. In the meanwhile, the petitioner has filed the present writ petition, which is not admissible.

6. Considering the facts and circumstances of the case and the appeal suit is pending between the parties, this Court is not inclined to pass any order in this case. However, liberty is granted to the petitioner to work out his remedy before the competent authority after disposal of the said appeal suit.

7. With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rli



To

WEB COPY

1. The District Collector,
Erode District.

2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Erode Division,
948, EVN Road, Erode.

+1cc to Mr.S.Kaithamalai Kumaran , Advocate, S.R.No.63612
+1cc to the Special Government Pleader, S.R.No.63779

W.P.No.26448 of 2019
and WMP.No.25812 & 25816 of 2019

RP (CO)
PM/05/01/2022