



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.02.2021

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.M.P. (MD)No.2949 of 2021

and

W.P. (MD) SR No.9950 of 2021

WEB COPY

1.Govindasamy

2.A.Subbaiah Pandi

... Petitioners

-vs-

1.The Revenue Divisional Officer,
Tenkasi Taluk,
Tenkasi District.

2.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.

3.The Executive Engineer,
Tamil Nadu Electricity Board,
Kadayanallur,
Tenkasi District.

4.The Assistant Executive Engineer (Distribution),
Tamil Nadu Electricity Board,
Kadayanallur,
Tenkasi District.

5.The Assistant Engineer,
(South Wing Distribution)
Tamil Nadu Electricity Board,
Kadayanallur,
Tenkasi District.

6.Meyyachamy

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to permit the petitioner to join together and file single Writ Petition.

W.P. (MD) SR No.9950 of 2021

1.Govindasamy

2.A.Subbaiah Pandi

... Petitioners



-VS-

- 1.The Revenue Divisional Officer,
Tenkasi Taluk,
Tenkasi District.
- 2.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.
- 3.The Executive Engineer,
Tamil Nadu Electricity Board,
Kadayanallur,
Tenkasi District.
- 4.The Assistant Executive Engineer (Distribution),
Tamil Nadu Electricity Board,
Kadayanallur,
Tenkasi District.
- 5.The Assistant Engineer,
(South Wing Distribution)
Tamil Nadu Electricity Board,
Kadayanallur,
Tenkasi District.

6.Meyyachamy

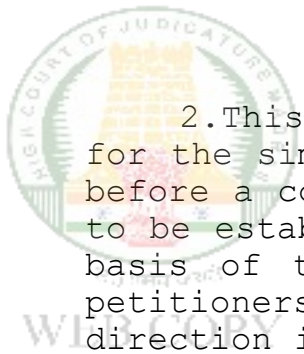
... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 3 to 5 not to give electricity connection in the name of the sixth respondent for a well comprised in Survey No.351/6 at Kambaneri, Pudhukudi Village Part-I, Kadayanallur Taluk, Tenkasi District till the disposal of this cancellation of Patta Proceedings on the file of the first respondent in File No.A1/Naa.Kaa.6038/2020.

For Petitioner : Mr.V.Angusamy

ORDER

The prayer in this Writ Petition is not to give electricity connection in favour of the 6th respondent. According to the petitioners, they have some title dispute as against the sixth respondent's claim and the sixth respondent has managed to include his name in the patta by mutation of entries on 23.10.2020. According to these petitioners, the documents have been forged and therefore, any attempt by the electricity department to give connection to his property would strengthen his case.



2.This Court is not inclined to entertain this Writ Petition for the simple reason that these kind of matters should be agitated before a competent Civil Court and the title to the properties need to be established by letting in evidence. This Court cannot on the basis of the self-serving and bald averments on the part of the petitioners and issue any direction at their instance. If any direction is to be issued on the basis of such sketchy averments, it would amount to agreeing with the factual contentions of the petitioners.

3.This Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India cannot issue such direction preventing the electricity authority to give connection to any third parties and it is for the electricity department to take a decision on the basis of their own regulations.

4.Therefore, the Writ Miscellaneous Petition is dismissed. Consequently, connected W.P.(MD) SR No.9950 of 2021 is rejected at the SR stage itself. No costs.

Sd/-

Assistant Registrar(CS-)

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/ /2021

Sub Assistant Registrar(CS)

SRM

To

The Revenue Divisional Officer,
Tenkasi Taluk,
Tenkasi District.

**W.M.P. (MD)No.2949 of 2021
and**

**W.P. (MD) SR No.9950 of 2021
24.02.2021**

AC(CO)

TR(16.03.2021) 3P 2C