



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND**

THE HONOURABLE MRS.JUSTICE S.ANANTHI

**W.A. (MD)No.603 of 2021
and C.M.P. (MD)No.2738 of 2021**

S.Maideen Khan

: Appellant

Vs.

1.Zahir Hussain

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
(Generation and Distribution),
Parvathipuram & Post, Nagercoil,
Agastheeswaram Taluk - 629 003,
Kanyakumari District.

3.The Assistant Divisional Engineer,
Tamil Nadu Electricity Board,
(Generation and Distribution),
Eraniel, Eraniel Post,
Kalkulam Taluk, Kanyakumari District.

4.The Junior Engineer,
Tamil Nadu Electricity Board,
(Generation and Distribution),
Manavalakurichi Post, Kanyakumari District,
Kalkulam Taluk - 629 802,
Kanyakumari District.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent as against the order dated 11.02.2021 made in W.P.(MD)No.19503 of 2020.

Prayer in WP(MD). 19503/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of mandamus or any other appropriate writ or order or direction particularly in the nature of writ, directing the respondents 1 to 3 to take action against the 4th respondent for disruption of electricity supply and preventing the officials from taking the reading in the meter in respect of electricity service connection number 07-174-015-939 in Door.No.11/88B of Manavalakurichi Town,



Kanyakumari District and for shifting of the said meter to the other side of the wall in the said shop premises as per the representation of the petitioner dated 06.04.2020 and 18.08.2020 without NOC from 4th respondent, and pass such further or other orders as this Honble Court may deem fit and proper in

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For Appellant : Mr.S.C.Herold Singh

For Respondents : Mr.S.M.S.Johny Basha
for R.2 to R.4

JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J.**)

This appeal has been preferred by the appellant aggrieved over the order of the learned Single Judge, who allowed the writ petition and directed the official respondents to restore the electricity service connection.

2. It appears that the suit filed by the appellant got decreed. The learned Single Judge has rightly held that the order passed is subject to the suit. This is a case of electricity service connection being disconnected and that is the reason why, the private respondent wanted re-connection by way of restoration.

3. In such view of the matter, we do not find any error in the order passed by the learned Single Judge, warranting interference. However, we observe that the suit having been decreed, the execution petition, if any, to be filed by the appellant will have to be decided on its own merits, without being influenced by the order of the learned Single Judge. Needless to say that the same logic will be applicable to the appeal, if any, to be filed by the private respondent.

4. With the above observations, this writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)



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Kanyakumari District.

+1 CC to MR.S.C.HEROLD SINGH, Advocate (SR-12632[F] dated
22/03/2021)

+1 CC to MR.S.M.S.JOHNNEY BATCHA, Advocate (SR-12800[F] dated
22/03/2021)

**W.A. (MD) No. 603 of 2021
19.03.2021**

KM(17.05.2021) 3P 6C