



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.10227 of 2020

and

W.M.P. (MD) No.9112 of 2020

WEB COPY

K.Thiyagarajan

.. Petitioner

vs

1.The Assistant Executive Engineer,
O&M/Rockfort,
TANGEDCO/Trichy,
Thenur,
Trichy -17, Trichy District.

2.S.Sedhu Ganesan

3.M.Doss

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to 1st respondent proceedings made in Lr.No.AEE/O and M/RFT/F. Lawyer Notice/CI/D.No.4/2020-21, date 16.07.2020, quash the same, and further direct the 1st respondent not to give electricity service connection to 2 to 3 respondents herein name pertaining to petitioner's property situated at Trichy District, Trichy Taluk, Joint No.3, sub-registration Office, Trichy City Corporation limit, Old ward No.5, New Block No.25, Old T.S.No.3292, in which Acre 1.07, south east corner, 470 square feet.

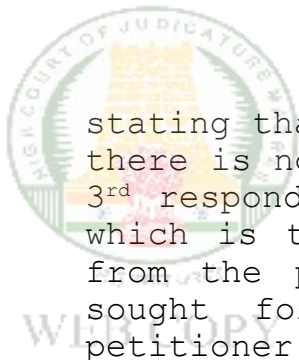
For Petitioner	:	Mr.R.Sundar
For R1	:	Mrs.M.Rajeswari for Mr.SMS.Johnny Basha
For R2	:	No appearance
For R3	:	Mr.B.Jameel Arasu

ORDER

The case of the petitioner is that the subject property belongs to him. In 2012, according to the petitioner, the 2nd respondent attempted to interfere with the rights of the petitioner in regard to the subject property and therefore, a suit in O.S.No.1231 of 2012 was filed before the District Munsif Court, Trichy. In I.A.No.701 of 2012, the civil Court was pleased to grant an order of injunction as against the 2nd respondent herein.

2.According to the petitioner, the 3rd respondent in collusion with the 2nd respondent has created forged documents and the 3rd respondent attempted to get electricity service connection to the property, which is under his occupation.

3.The grievance of the petitioner is that without properly considering his objection, the 1st respondent has passed an order



stating that the objection of the petitioner cannot be considered as there is no legal impediment in giving electricity connection to the 3rd respondent's property for the simple reason that the property, which is the subject matter of the suit proceedings, is different from the property, for which, electricity service connection was sought for by the 3rd respondent. Challenging the same, the petitioner is before this Court.

4. When the matter is taken up for hearing today, it was clearly demonstrated by the 1st respondent as well as the 3rd respondent that the objection of the petitioner is only on the ground of interim injunction obtained by him in the suit proceedings (O.S.No.1231 of 2012). Further, the suit schedule property pertains to S.No.7/1 situated at Devadhanam Village, whereas, the property, for which, electricity service connection was sought for by the 3rd respondent, is in S.No.6/1A, which has nothing to do with the suit schedule properties.

5. In that view of the matter, the writ petition challenging the impugned order passed by the 1st respondent is not maintainable and in fact, a detailed counter affidavit has also been filed on behalf of the 1st respondent stating the facts very clearly as to the maintainability of the writ petition in regard to the electricity service connection to be given to the 3rd respondent.

6. In that view of the matter also, the writ petition is liable to be dismissed as the petitioner cannot maintain this writ petition as against the interest of the 3rd respondent by citing the suit proceedings, which was only against the 2nd respondent.

7. For the above said reasons, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

W.P. (MD) No.10227 of 2020
23.02.2021

AC (CO)

KB(17.03.2021) 2P 1C

<https://hcservices.ecourts.gov.in/hcservices/>