



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)No.1137 of 2014

and

M.P(MD)No.1 of 2014

WEB COPY

M.Sivasamy

... Appellant/5th Respondent

Vs.

1.M.Nagapandian

... 1st Respondent / Petitioner

2.The Superintending Engineer,

Tamil Nadu Generation and Distribution Corporation Limited,
Periyakulam, Theni.

3.The Assistant Engineer,

Tamil Nadu Generation and Distribution Corporation Limited,
Town Section,
Periyakulam, Theni.

4.The Commissioner,

Periyakulam Municipality,
Theni District.

5.A.Rajappa

... Respondents 2 to 5/Respondents 1 to 4

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 11.08.2014 made in W.P(MD)No.15976 of 2013 on the file of this Court.

Prayer in WP(MD). 15976/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned order in K.No.Vu.Mi.Po/Na/Peri/A.No.203/1314 dated 16.09.2013 on the file of the Respondent No.2 and consequently direct the Respondents No.2 to shift the petitioner s service line from electric polie PKM SS XX E 22/A to electric pole PKM Ss XX E 20 A upon northern side fo petitioner house over the municipal lane bounded in T.S.No.2729 within time stipulated by this Honourable Court.

For Appellant

:

Mr.Vinoth

for Mr.R.Subramanian



For R - 1 : Mr.J.Lawrance

For RR 2 to 5 : No appearance

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JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

This Writ Appeal is directed as against the order, dated 11.08.2014 passed in W.P(MD)No.15976 of 2013.

2.The first respondent herein had originally filed the said writ petition seeking for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent, dated 16.09.2013 and consequently, to direct the second respondent to shift the petitioner's service line from electric pole PKM SS XX E 22/A to electric pole PKM SS XX E 20A, upon Northern side of the petitioner's house over the municipal lane bounded in T.S.No.2729, wherein the application for drawal of electricity service line was rejected. The electricity line was sought to be drawn through the lane in T.S.No.2729, which is claimed to be the property of the appellant / fifth respondent.

3.The appellant and the fifth respondent herein had filed a suit in O.S.No.13 of 2003 on the file of the District Munsif Court, Periyakulam against a third party, namely Rajendran, in respect of the dispute over the title of the property in T.S.No.2729. It is now stated that a subsequent suit in O.S.No.181 of 2013 was also filed by the appellant herein restraining the first respondent / writ petitioner from drawing the electricity line through his land and both the suits were dismissed.

4.The learned counsel appearing for the appellant / fifth respondent submitted that already electricity service connection has been effected to the premises and hence, nothing survives for adjudication in the Writ Appeal.

5.In view of the above, the Writ Appeal is dismissed as infructuous. No costs. consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

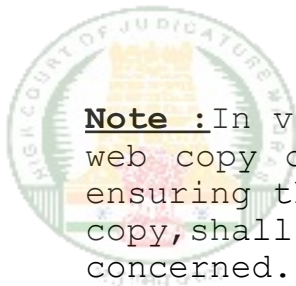
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/ /2021

Sub Assistant Registrar(CS)

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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.

WEB COPY

To

- 1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Periyakulam, Theni.
- 2.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Town Section,
Periyakulam, Theni.
- 3.The Commissioner,
Periyakulam Municipality,
Theni District.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-1242[F] dated 19/01/2021)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-1476[F] dated 20/01/2021)

W.A(MD)No.1137 of 2014
19.01.2021

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