



W.P.No.44184 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

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K.Gurusamy

... Petitioner

Versus

1. The Chairman
Tamilnadu Electricity Board,
Anna Salai, Chennai – 02
 2. The Chief Engineer,
Tamilnadu Electricity Board,
Erode – 638 009
 3. The Superintending Engineer,
Namakkal Electricity Distribution Circle,
Tamilnadu Generation and Distribution Corporation
(TANGEDCO) Ltd.,
Namakkal – 637 001
 4. K.Murugesan [died]
 5. M.Saraswathi
 6. M.Sureshkumar
 7. M.Anitha
- [Respondents 5 to 7 are impleaded
vide order dated 10.11.2022 in
W.M.P.No.18950 of 2022 by
NSKJ]



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8. S.Velusamy
[impleaded vide order made in
W.M.P.No.1043 of 2022 in
W.P.No.44184 of 2016 dated
10.11.2022 by NSKJ]

... Respondents

Prayer: Writ Petition filed under Article 226 Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the 3rd respondent in Ref.No.KA.No.Mapo/NaMiPaVa/Na/USaePo/Valar/UPO2/Valar/Ko.Thani /Na.No.796/2016 dated 21.06.2016 and quash the same and consequently direct the 3rd respondent to disconnect the EB connection bearing connection No.680 & 681 which obtained fraudulently.

For Petitioner : Mr.S.B.Viswanathan

For Respondents : Mr.L.Jaivenkatesh for R1 to R3
R4 – died
Mrs.V.Chethana for R5 to R8

ORDER

The present Writ Petition has been filed particularly, to quash the order of the 3rd respondent and also disconnect the EB Connection bearing Connection Nos.680 & 681 standing in the name of the 4th respondent, Murugesan, co-owner. Since Mrs.V.Chethana, learned counsel appears for the impleaded respondents 5 to 8, this Court is of



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the view that no notice is required for the impleaded respondents.

2. The main ground raised by the petitioner is that by obtaining false records, service connection is obtained by the 4th respondent in respect of the Well and hence the order granting connection sought to be quashed.

3. Whereas, the learned counsel appearing for the 4th respondent and the respondents 5 to 8, who are now impleaded, would submit that the present Writ Petition is nothing, but abuse of process of law and that there are suppression of facts. Earlier, a suit was filed by the petitioner in O.S.No.74 of 2005 before the learned District Munsif, Namakkal seeking a declaration of his right in the Well and also to disconnect the electricity connection standing in the name of the 4th respondent herein. The suit has been decreed holding that the petitioner, being co-owner is entitled to draw the water from the Well on the rotation basis and further, dismissed in respect of the mandatory injunction for disconnection of electricity.

4. I have heard the learned counsel on either side and perused



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the Judgment dated 21.08.2012 passed by the civil court.
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5. The suit has been filed for various reliefs, viz., for declaration and mandatory injunction. One of the relief is also sought to disconnect the electricity connection standing in the name of the 4th respondent. After thorough analysis of the facts and evidence, the trial court having granted the declaration in respect of the petitioner's right in the Well, as co-owner, to draw the water on rotation basis, has dismissed the suit in respect of the mandatory injunction. These facts have never been disclosed in the Writ Petition and therefore, it is clear that the Writ Petition is nothing but clear abuse of process of law. Further, the provision of earlier Judgment, is binding on the petitioner.

6. In such view of the matter, the present Writ Petition is dismissed. No costs.

10.11.2022

Index: Yes/No
Internet: Yes/No
ssd



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N.SATHISH KUMAR, J.

ssd

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