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W.P. Nos.24453, 24459 & 24463 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.24453, 24459 & 24463 of 2022
and
W.M.P.Nos.23407, 23418 & 23410 of 2022

Pooragavan	... Petitioner in WP.No.24453/2022
Dharmalingam	... Petitioner in WP.No.24459/2022
Rathinavelu	... Petitioner in WP.No.24463/2022

Vs.

1.The Superintending Engineer,
TANGEDCO,
Mettur, Salem District, Salem.

2.The Executive Engineer,
TANGEDCO,
Mettur, Salem District, Salem.

3.The Assistant Executive Engineer,
Operation and Maintenance,
Rural, TANGEDCO,
Mecheri East, Mettur Taluk,
Salem District, Salem.

4.Sivakumar	... Respondents in all WPs
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PRAYER in WP.No.24453/2022 : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to restore the service connection in SC.No.04-108-010-694 for the house situated in Old.No.8/1-18, New.No.17/1-18, Parakkallur, Panapuram Post, Mecheri Village, Mettur Taluk, Salem District.

PRAYER in WP.No.24459/2022 : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to restore the service connection in SC.No.04-108-010-657 for the house situated in Old.No.8/15, New.No.17/15, Parakkallur, Panapuram Post, Mecheri Village, Mettur Taluk, Salem District.

PRAYER in WP.No.24463/2022 : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to restore the service connection in SC.No.04-108-010-144 for the house situated in Old.No.8/1-13, New.No.17/1-13, Parakkallur, Panapuram Post, Mecheri Village, Mettur Taluk, Salem District.

For Petitioners : Mr.R.Rajarajan
(in all WPs)

For Respondents : Mr.M.Abul Kalam
(in all WPs) Standing Counsel for R1 to R3

: Mr.S.K.Rameshwar for R4



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COMMON ORDER

Since the issue raised in these writ petitions is one and the same, with the consent of the learned counsel appearing for both sides, all these writ petitions were heard together and are disposed by this common order.

2. In these writ petitions respectively writ petition of mandamus was sought for to restore the electricity connection i.e. domestic electricity connection for the respective petitioners' dwelling house.

3. During the pendency of the writ petitions, the respondent TANGEDCO has acted upon and restored the service connection and in this regard, communications have been issued by the TANEDCO on 12.09.2022. Producing the said communication, the learned Standing Counsel appearing for the respondent TANGEDCO submitted that the service connections have been restored.

4. Mr.R.Rajarajan, learned counsel appearing for the petitioners in these writ petitions would also submit that, except in one aspect all other respects the order restoring the service connection can be accepted by the



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petitioner. The one objection is that, the order dated 12.09.2022 restoring the service connection states that this restoration is subject to outcome of the writ petition in W.P.No.18414 of 2021 filed by the 4th respondent which according to them is pending consideration before this Court. However, the fact remains that the said writ petition has been disposed of on 03.09.2021.

5. However, Mr.S.K.Rameshwar, learned counsel appearing for the 4th respondent on instruction would submit that, the 4th respondent is the real owner of the property concerned, where these petitioners are residing and they have sought for restoration of service connection. In this regard, the 4th respondent also would submit that there was a civil dispute between them and the matter has come up to Hon'ble Supreme Court and concurrently the 4th respondent succeeded in those cases.

6. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.



7. Whether the 4th respondent is the owner or not or the petitioners are entitled to reside continuously in that particular premises or not is not the question to be decided before this Court. The only question has to be decided is whether the petitioners are entitled to get the service connection restoration and in this context, even during the pendency of these writ petitions, since such a restoration has been made by the TANGEDCO, this Court feels that, recording the same, these writ petitions may be disposed of by giving liberty to both the parties to workout their remedies by filing allegations and counter allegations and claim over the possession of the property and ownership of the property etc. in the manner known to law.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That the aforestated development, where, the respondent TANGEDCO since has restored the electricity service connection in all the writ petitions of the premises of the writ petitioners, the said development is hereby recorded. Accordingly, the prayers since have been accomplished by the respective petitioners, these writ



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petitions are disposed of with the liberty to the petitioners as well as the 4th respondent to agitate the issue with regard to the ownership and possession of the property in the manner known to law.

9. With the above observations, these Writ Petitions are disposed of. No costs. Consequently connected miscellaneous petitions are closed.

12.10.2022

Index : Yes/No

Speaking order : Yes/No

Sgl



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R.SURESH KUMAR, J.

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