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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.29695 of 2017

V. Karthikeyan

... Petitioner

Vs

1. The Superintending Engineer,
Kallakurichi Distribution Circle,
Tamil Nadu Electricity Board,
Kallakurichi,
Villupuram District.
2. The Executive Engineer,
Tamil Nadu Electricity Board,
Ulundurpet 606 107,
Villupuram District.
3. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Arasur,
Villupuram District.
4. The Assistant Engineer,
Tamil Nadu Electricity Board,
Anathur, Ulundurpet Taluk,
Villupuram District
5. S.Selvanathan ... Respondents

(5th respondent is impleaded as per order of
this Court in WMP No.19790/2018,
dated 03.03.2022)

Writ Petition filed under Article 226 of the Constitution of India to issue orders of Writ of Mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 28.07.2017 and consequently direct the respondents 1 to 4 to disconnect the service connection No.1825 & 365 and to give new service connection to the petitioner's name.

For petitioner

... Ms. Ramya



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For respondent

for Mr. J. Karthikeyan,

... Mr. K. Venkatesubban
for R5

ORDER

This writ petition has been filed seeking a direction to consider the petitioner's representation dated 28.07.2017 and consequently, to disconnect the service connection standing in the name of the 5th respondent and one Murugesan.

2. According to the petitioner, the petitioner is the owner of the property in Survey No.294/3 and 293/5, in which service connection Nos.1825 and 365 stands in the name of the 5th respondent and one Murugesan. Hence, he made a representation to the authorities to disconnect the said service connections. But, the same has not been considered so far. Hence, the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the property and suppressing the said fact, the 5th respondent has obtained service connection and hence, the same has to be disconnected.

4. The learned counsel appearing for the 5th respondent vehemently opposed the same and submitted that by virtue of the Will executed by the original owner, he is in possession of the property and obtained service connection. The 5th respondent also filed a suit in O.S.No.89 of 2011 on the file of the Principal District Munsif Court, Ulundurpet, for declaration of title and the same is pending. In the said circumstances, service connection should not be disconnected.

5. I have considered the submissions made on either side and perused the materials available on records carefully.

6. Considering the fact that there is a title dispute between the parties and civil suit is also pending before the competent Civil Court, until the title decided by the competent civil court, service connection stands in the name of the 5th respondent cannot be disturbed. Consequently, no direction can be issued to the respondents 1 to 4 to disconnect the service connection. Further, in the event of the said suit is decided in favour of the petitioner, it is always open to him seeking for disconnection of service connection and thereafter, the Board is directed to take suitable action.



7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Superintending Engineer,
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Tamil Nadu Electricity Board,
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Villupuram District.
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Arasur,
Villupuram District.
4. The Assistant Engineer,
Tamil Nadu Electricity Board,
Anathur, Ulundurpet Taluk,
Villupuram District

+1cc to M/s. Sarvabhauman Associates Advocate, S.R.No.14401
+1cc to Mr.j.Arun Prasad, Advocate, S.R.No.14682
+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.14974

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NRL (CO)
CT 27/05/2022