



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WP.No. 27123 of 2018
and WMP.No.31529 of 2018

T.Kavitha

... Petitioner

vs.

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd,
No.800, Anna Salai, Anna Salai,
Chennai 600 002.
2. The Junior Engineer,
(Operation & Maintenance)
Tamil Nadu Electricity Board,
Velankanni, Nagapattinam District.
3. The Superintending Engineer,
(Operation & Maintenance)
Tamil Nadu Electricity Board
Velankanni, Nagapattinam District.
4. M.Karunanidhi

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 and 3 to restore the Electricity Service Connection No.5050521973, to the petitioner in respect of Door No.46-B, Earikarai Salai, Vairavankaadu, Thirupoondi East, Kameswaram Keelvelur Taluk, Nagapattinam District.

For Petitioner : Mr.M.Thamizhavel

For Respondents : Ms. V.Revathy
for Mr.Abdulkalam, for R1 to 3

Mr.N.Makesh, for R4



O R D E R

The prayer in the writ petition is as follows:-

"To direct the respondents 2 and 3 to restore the Electricity Service Connection No.5050521973, to the petitioner in respect of Door No.46-B, Earikarai Salai, Vairavankaadu, Thirupoondi East, Kameswaram Keelvelur Taluk, Nagapattinam District. "

2. It is not in dispute that the electricity service connection that was disconnected pursuant to the exparte decree made in O.S.No.163 of 2017 on the file of the District Munsif, Nagapattinam has been restored pursuant to the interim orders granted by this Court in this writ petition. The property is admittedly a common property belonging to the petitioner and the 4th respondent. It appears that the petitioner is in possession of the portion of the property and has also obtained electricity service connection in her name for the said portion that is in her enjoyment. Though the 4th respondent had sold the property to one Balasubramaniam on 26.10.2016, possession was not delivered to him, since he had not paid the entire consideration. Upon learning about the said sale, the petitioner filed civil suit in O.S.No.217 of 2016 on the file of the District Munsif, Nagapattinam seeking a decree for permanent injunction restraining the 4th respondent and said Balasubramaniam from interfering with her possession of the suit property.

3. Pending the said suit, it appears that the 4th respondent herein filed a suit in O.S.No.163 of 2017 seeking a mandatory injunction to direct the electricity board to disconnect electricity supply given to the petitioner. The petitioner was, admittedly, not made party to the suit. The Board Officials remained exparte and an exparte decree came to be passed. The Board Officials dutifully disconnected the electricity supply in complete obedience of the exparte decree for mandatory injunction granted by the District Munsif, Nagapattinam. This action of disconnection triggered the writ petition before this Court.

4. As of today, the suit in O.S.No.217 of 2016 filed by the petitioner seeking permanent injunction is pending before the competent Civil Court. The injustice caused viz., disconnection without notice has been remedied by the interim order granted in this writ petition. It is not in dispute that the petitioner is enjoying the electricity service connection for the portion in her occupation as of today. The question as to whether the petitioner is entitled to the property or not cannot be gone into in this proceedings under Article 226 of the Constitution of India. But, it should be pointed out that in the counter



affidavit filed by the 4th respondent, the right of the petitioner has not been expressly denied.

5. In view of the same, the writ petition is disposed of with the following direction:

The petitioner shall continue to enjoy the electricity service connection provided to her pursuant to the interim order of this Court till disposal of the Civil Suit. The parties including the Board Officials shall abide by the orders of the Civil Suit in this regard. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dsa

To

1. The District Munsif,
Nagapattinam.
2. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd,
No.800, Anna Salai, Anna Salai,
Chennai 600 002.
3. The Junior Engineer,
(Operation & Maintenance)
Tamil Nadu Electricity Board,
Velankanni, Nagapattinam District.
4. The Superintending Engineer,
(Operation & Maintenance)
Tamil Nadu Electricity Board
Velankanni, Nagapattinam District.

+1cc to Mr.M.Thamizhavel, Advocate, S.R.No.37732

WP No. 27123 of 2018
and WMP No.31529 of 2018

SKM(CO)
SB(04/07/2022)