



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.2245 of 2011 and
MP (MD) No.1 of 2011

K.Sappani

...Petitioner

Vs.

1. The Tamil Nadu Electricity Generation and
Distribution Corporation Ltd,
Represented by
its Assistant Engineer (Distribution),
Thiruppachethy,
Manamadurai Taluk,
Sivagangai District.

2.K.Balasubramanian

3.K.Ganesan

4.K.Krishnan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned communication dated 15.02.2011, bearing ந.க.எண் உ.மிபொ/ப/தி.சேத்தி/கோ.தின/அ.எண்/11 issued by the first respondent and quash the same and consequently forbearing the first respondent from effecting disconnection of electricity service connection S.C.No.1882 under Tariff V Category in SF No.86/8 Near Amman Koil, Thiruppachethy North Village, Manamadurai Taluk, Sivagangai District.

For Petitioner	: Mr.T.Antony Arulraj
For R1	: Mr.Deenadhayan Standing Counsel
For R2 to R4	: Mr.S.Rajasekar

O R D E R

This writ petition is filed as against the notice issued by the respondent Board in ந.க.எண் உ.மிபொ/ப/தி.சேத்தி/கோ.தின/அ.எண்/11, dated 15.02.2011, for disconnecting electricity service connection, based on the objections raised by the respondents 2 to 4.



2.The petitioner and the respondents 2 to 4 are brothers. The petitioner is running a School, for which he also obtained electricity service connection from Tamil Nadu Electricity Board. The respondents 2 to 4 claiming right over the property and objected for the electricity connection given to the petitioner stating that the electricity service connection was granted in favour of the petitioner alone in the individual name and based on the objections of the respondents 2 to 4, the Board has also issued the impugned notice. Pending the writ petition, it appears that the respondents 2 to 4 have also filed a suit for partition before the District Munsif Court, Manamadurai in O.S.No.142 of 2011 and the same was dismissed, vide judgment and decree dated 07.04.2017.

3.The learned counsel appearing for the petitioner fairly submits that the respondents 2 to 4 have also filed an appeal before the Subordinate Court, Sivagangai in AS No.97 of 2017.

4.In view of the subsequent developments that the suit preferred by the respondents 2 to 4 in O.S.No.142 of 2011 was dismissed on 07.04.2017 by the Civil Court, this writ petition is disposed of. The parties are at liberty to work out their remedy depending upon the outcome of the civil litigation. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

To
The Assistant Engineer (Distribution),
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd,
Thiruppachethy, Manamadurai Taluk,
Sivagangai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate SR-16634[F]
+1 CC to M/s.S.DEENADHAYALAN, Advocate SR-16657[F]

ORDER MADE IN
W.P(MD)No.2245 of 2011 and
MP(MD) No.1 of 2011
01.04.2022