



W.P(MD).No.19853 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.19853 of 2013

and

M.P(MD) No. 1 of 2013

M.Ramasubbu

... Petitioner

-VS-

1. The Junior Engineer,
Distribution – TANGEDCO,
T.Kallikulam.

2. Arumugam

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the first respondent, dated 26.11.2013 in K.No.E.NI.MI.PO/VINI/KALLI/CO/A.No/13-14 and quash the same.

For Petitioner : Mr.K.Govindarajan

For R-1 : Mr.S.Deenadhayalan
Standing Counsel.

For R-2 : Mr.A.R.Kannappan



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ORDER

The present Writ Petition has been filed challenging a notice issued by the first respondent herein, as to why the service connection effected in favour of the writ petitioner should not be disconnected. The said show cause notice has been issued pursuant to the objection raised by the second respondent herein.

2. The learned Counsel for the petitioner brought to the notice of this Court that already the second respondent has filed Suit in O.S.No.37 of 2016, on the file of the District Court, Tirunelveli, for the relief of declaration that the second schedule property belongs to the plaintiff and the defendants 1 to 10 and to remove the encroachment made by the 11th defendant in the second schedule property and for recovery of possession of the same. In the said suit, the present writ petitioner is the eleventh defendant. Hence, it is clear that the second respondent herein had admitted that the writ petitioner is in possession of the property in dispute and he has sought for recovery of possession from the writ petitioner herein.



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3. A perusal of the second schedule of property in the said suit also indicates that only for the said schedule, the electricity service connection in dispute has been given.

4. In view of the above said facts, it is clear that the writ petitioner is in possession of the disputed property. It is a residential house and he is enjoying service connection. In view of the pendency of the said suit between the parties, the show cause notice impugned in the writ petition is set aside and the second respondent is at liberty to approach the first respondent for disconnection of the electricity service connection depending upon the result of the above said suit in O.S.No.37 of 2016.

5. With the above said observation, this Writ Petition stands allowed.
No costs. Consequently, connected Miscellaneous Petition is closed.

28.11.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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