



*W.P(MD)No.4526 of 2013*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.09.2022**

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**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.4526 of 2013**

**and**

**M.P(MD)Nos.1 of 2013 & 1 of 2015**

M.Rabik Raja

... Petitioner

Vs.

1.The Tamil Nadu Generation and  
Distribution Corporation Limited,  
Madurai Electricity Distribution Circle,  
Represented by its Superintending Engineer,  
Race Course Road,  
Madurai-625 002.

2.The Assistant Divisional Engineer,  
The Tamil Nadu Generation and  
Distribution Corporation Limited,  
Sengulam Division,  
Thirumangalam-625 706.

3.The Assistant Engineer,  
The Tamil Nadu Generation and  
Distribution Corporation Limited,  
Sengulam Division,  
Thirumangalam-625 706.

4.M.Abdul Karim

... Respondents



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**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from disconnecting or shifting the electricity service connection number 135-005-700 in door number 16A, Moulana Azad Street, Thirumangalam standing in the name of the petitioner.

For Petitioner : Mr.J.Barathan

For R1 – R3 : Mr.S.Deenadhayalan  
Standing Counsel

For R4 : Mr.A.S.Mujibur Rahman

### **ORDER**

The present writ petition has been filed seeking a writ of Mandamus, forbearing the Electricity Board from disconnecting or shifting the electricity service connection number 135-005-700 in door number 16A, Moulana Azad Street, Thirumangalam standing in the name of the petitioner.

2. According to the writ petitioner, he has purchased the property in dispute under a registered sale deed, dated 06.01.2010. However, the title of the writ petitioner is being disputed by the fourth respondent herein, who has already initiated O.S.No.971 of 2010 before Sub Court,



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Thirumangalam for the relief of declaration of title and permanent injunction. The said suit is pending.

3. In view of the above said pendency of the civil suit, the fourth respondent had approached the Commissioner, Thirumangalam Municipality for cancellation of property tax assessment standing in the name of the writ petitioner. The Commissioner, Thirumangalam Municipality has accepted the said request and cancelled the property tax assessment standing in the name of the writ petitioner and restored it in the name of the fourth respondent. The said order was challenged in W.P(MD)No.4079 of 2013. This Court by its order, dated 02.09.2022 has set aside the order and has remitted the matter back to the Commissioner, Thirumangalam Municipality.

4. Pursuant to the order of cancellation of property tax assessment, Commissioner, Thirumangalam Municipality has also addressed a letter to the third respondent herein, directing him to disconnect the electricity service connection to the writ petitioner's premises. Apprehending disconnection, the present writ petition has been filed. Since the civil suit is already pending before the Sub Court,



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Thirumangalam, the respondent authorities shall not disconnect the electricity service connection standing in the name of the writ petitioner.

However, the property tax assessment or the electricity service connection standing in the name of the writ petitioner shall not be taken advantage by the writ petitioner in the said civil suit. In view of the pendency of the civil suit, the respondent authorities shall not disconnect the electricity service connection in Service No.135-005-700.

5. In view of the above said facts, this Writ Petition stands allowed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

**02.09.2022**

Index : Yes / No

Internet : Yes / No

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To

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Madurai-625 002.

2. The Assistant Divisional Engineer,  
The Tamil Nadu Generation and  
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Sengulam Division,  
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**R.VIJAYAKUMAR ,J.**



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Order made in  
W.P(MD)No.4526 of 2013

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