



W.P.(MD).No.15708 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.15708 of 2014

and

M.P(MD) Nos. 1 and 2 of 2014

Santra

... Petitioner

-VS-

1. The Chief Engineer,
TANGEDCO,
K.Pudur,
Madurai – 7.
2. The Superintending Engineer,
TANGEDCO,
K.Pudur,
Madurai – 7.
3. The Assistant Engineer,
(Distribution)
TANGEDCO,
Koodalnagar Branch,
Thanamani Nagar,
Madurai – 17.
4. Arockiyasamy

.... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned Letter No.உ.பொ/ப/கூ.நகர்/கோ.மனு/ அ.எண் - 027/14 dated 31.01.2014, issued by the third respondent and quash the same as illegal and direct the third respondent to disconnect the electricity service connection issued to the fourth respondent for the property situated in Madurai District, Madurai North Taluk, Annai Nagar, Kovilpappakudi Village in Plot No.32 as per the layout plan situated in Natham R.S.No.76/2.

For Petitioner : Mr.P.Santhana Krishnan
For R-1 to R-3 : Mr.S.Deenadhayalan
Standing Counsel
For R-4 :Mr.D.Srinivasa Raghavan

ORDER

The present Writ Petition has been filed challenging the order passed by the third respondent herein, under which, they have refused to disconnect the electricity service connection given in favour of the fourth respondent herein.



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2. According to the writ petitioner, the fourth respondent has illegally claimed right over the disputed property, belonging to the writ petitioner and the service connection has been granted to the said effect. Hence, the petitioner has requested for disconnection of electricity supply. However, the third respondent has refused to entertain the request on the ground that service connection has been effected only based upon the registered sale deed and property tax assessment. This order is under challenge in the present Writ Petition.

3. According to the learned counsel for the petitioner, she has filed a suit in O.S.No.49 of 2010, on the file of the District Munsif Court, Madurai Taluk, for the relief of permanent injunction, as against the fourth respondent herein with regard to the same property. However, the said suit has been dismissed for default on 11.08.2016 and an application for restoration of the said suit is pending.



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4. In view of the fact that the property is located in the disputed survey number and already service connection has been effected and hence, this Court is not inclined to interfere with the order passed by the third respondent.

5. With the above said observation, this Writ Petition is disposed of with liberty to the writ petitioner to approach the TANGEDCO depending upon the result in O.S.No.49 of 2010. No costs. Consequently, connected Miscellaneous Petitions are closed.

26.10.2022

Index : Yes / No

Internet : Yes / No

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R.VIJAYAKUMAR,J.

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