



W.P(MD)No.18309 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.18309 of 2014

and

M.P(MD)No.1 of 2014

A.Xavier

... Petitioner

Vs.

1.The Assistant Engineer, (Distributions),
Tamil Nadu Electricity Board,
Balakrishnapuram Distribution Division,
Located at Ponnagaram,
Dindigul District.

2.The Supervising Engineer,
Tamil Nadu Electricity Board,
Dindigul Distribution District,
Bypass Road,
Dindigul.

3.A.Christhuraj

... 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 pertaining to name transfer made by the third respondent and quash the same and consequently directing the first and second respondents to consider the petitioner's representation, dated



W.P(MD)No.18309 of 2014

23.10.2014 and directing the first respondent to re-transfer the service connection in connection No.05236006164 into petitioner's name.

For Petitioner : M/s.J.Alaguram Jothi

For R-1 & R-2 : M/s.S.Deenadhayan
Standing Counsel

For R-3 : M/s.M.P.Senthil

ORDER

The present Writ Petition has been filed challenging an order passed by the respondents 1 and 2, under which, they have transferred the electricity service connection standing in the name of the writ petitioner to the name of the third respondent herein.

2. It could be seen from the records that the petitioner along with another person had filed O.S.No.641 of 2002 on the file of the Additional District Munsif Court, Dindigul, for the relief of permanent injunction with regard to a house property, in which, the service connection is located. In the said suit, the third respondent herein was shown as the first defendant. The trial Court, after contest, had dismissed the suit on 19.11.2009. The petitioner herein along with another person had filed



W.P(MD)No.18309 of 2014

A.S.No.3 of 2010 on the file of the Principal Sub Court, Dindigul. The appeal was also dismissed on 26.02.2013. Challenging the same, the petitioner and another person have filed two second appeals in S.A(MD)Nos.162 of 2017 and 122 of 2019 before this Court and the same are pending.

3. The petitioner has lost before the Courts below and in view of the above said fact, the assessment having been transferred in the name of the third respondent, the same shall be retained in the name of the third respondent. However, after the disposal of both the second appeals, the petitioner is at liberty to approach the Electricity Board for transfer of service connection in his name, depending upon the result in both the second appeals.

4. With the above said observation, the writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

16.11.2022



W.P(MD)No.18309 of 2014

Index : Yes / No
Internet : Yes / No
btr

To

- 1.The Assistant Engineer, (Distributions),
Tamil Nadu Electricity Board,
Balakrishnapuram Distribution Division,
Located at Ponnagaram,
Dindigul District.
- 2.The Supervising Engineer,
Tamil Nadu Electricity Board,
Dindigul Distribution District,
Bypass Road,
Dindigul.



WEB COPY



W.P(MD)No.18309 of 2014

R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.18309 of 2014

16.11.2022