



W.P.(MD).No.23038 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23038 of 2022

and

W.M.P(MD) Nos.17149 and 17150 of 2022

Murugesan

... Petitioner

VS.

1. The Presiding Officer,
Consumer Grievance Redressal Forum,
Trichy Distribution Circle,
TANGEDCO,
Trichy.

2. The Superintendent Engineer,
Trichy Distribution Circle,
TANGEDCO,
Trichy District.

3. The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Thuraiyur, Trichy District.

4. K.Sadaiyan

... Respondents



W.P.(MD).No.23038 of 2022

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the first respondent vide his order in Forum Petition No.02/2022, dated 04.06.2022 and quash the same as illegal.

For Petitioner : Mr.N.Anandakumar
For R1 to R3 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned order passed by the first respondent in Forum Petition No.02/2022, dated 04.06.2022 and to quash the same.

2. The case of the petitioner is that the petitioner, the fourth respondent and one Ravichandran are brothers and they have purchased the lands in S.F.Nos.461/2, 461/13, 161/11, 461/14, 475/1A and 475/1A2 jointly and the Patta also stands in their name. The fourth respondent applied for sub division with regard to the portion of land in S.F.Nos. 461/13B and 461/14B and obtained separate Patta in his name. Hence,



W.P.(MD).No.23038 of 2022

WEB COPY

the petitioner has filed a petition before the Tahsildar, Thuraiyur to cancel the separate Patta and also filed a writ petition in W.P.(MD).No.12644 of 2013. This Court, by order dated 30.07.2013, directed the Tahsildar to conduct enquiry. Thereafter, the Revenue Divisional Officer, Musiri has cancelled the separate Patta on 10.01.2014 and restored the earlier joint Patta and the Revenue Divisional Officer, Trichy has also confirmed the same. Subsequently, the fourth respondent has filed a suit in O.S.No.264 of 2016 against the order of the Revenue Divisional Officer and the same was dismissed on 04.10.2019.

3. The fourth respondent has applied for electricity connection to the bore well erected in S.F.No.461/13 claiming that the said land is owned by him and on the objection made by the petitioner, the second respondent has not considered the same. Due to which, the fourth respondent has filed a petition before the first respondent in Forum Petition No.2/2022 and the first respondent has passed the impugned order dated 04.06.2022, directing to issue electricity connection to the applicant, after getting an indemnity bond from the applicant. In the



W.P.(MD).No.23038 of 2022

WEB COPY

mean while, the petitioner gave a representation to the second respondent on 01.09.2022, for which the second respondent issued a reply on 05.09.2022, citing the impugned order passed by the first respondent. Challenging the same, the present writ petition has been filed.

4. The learned Standing counsel appearing for the respondents would submit that the petitioner is having an appeal remedy before the appellate authority/Commission.

5. If the petitioner is aggrieved by the impugned order dated 04.06.2022, passed by the first respondent, there was an appeal remedy before the appellate authority and the petitioner has to go before the appellate authority and without exhausting the appeal remedy, the petitioner cannot maintain the writ petition. Hence, this Writ Petition is dismissed. The petitioner seeks indulgence of this Court for giving him liberty to challenge the said order before the appellate authority as the petitioner has got the information only on 05.09.2022. Liberty is granted to the petitioner to challenge the impugned order before the appellate



W.P.(MD).No.23038 of 2022

authority. No costs. Consequently, the connected Miscellaneous
Petitions are closed.

30.09.2022

Index: Yes/No
Internet: Yes/No

akv

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W.P.(MD).No.23038 of 2022

V.BHAVANI SUBBAROYAN,J.

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W.P(MD)No.23038 of 2022

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