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W.P.(MD)NO.16008 OF 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16008 of 2017 and
W.M.P.(MD)No.4896 of 2020

Pandurangan

... Petitioner

Vs.

1. The Chief Engineer,
Tamil Nadu Electricity Production
and Distribution Board,
Maharaja Nagar,
Thirunelveli,
Thirunelveli District.
2. The Executive Engineer,
Office of the Executive Engineer,
Tamil Nadu Electricity Production
and Distribution Board,
Ramamoorthy Road,
Virudhunagar,
Virudhunagar District.
3. The Assistant Executive Engineer,
O/o. The Assistant Executive Engineer,
Tamil Nadu Electricity Production
and Distribution Board,
Virudhunagar,
Virudhunagar District.
4. M. Rajendran

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 26.07.2017 within a time frame that may be stipulated by this Court and consequently directing the 2nd respondent to disconnect the electricity connection in Vide Electricity Connection Number in WR-1621 as apropos misused in the house Tax Receipt at Door No.130/1A-7, Indiranagar, Vellaiyan Chettiar Nandavanam, Pullalakottai Road, Virudhunagar, Virudhunagar District.

For Petitioner : Mr.P. Mahendran

For R-1 to R-3 : Mr.S.Deenadhayalan,
Standing Counsel.

For R-4 : No Appearance.

* * *

ORDER

Heard the learned counsel on either side.

2. According to the writ petitioner, the property in question belongs to Vellaiyan Chettiar Nandhavanam. It is said to be a public charitable trust. The specific allegation of the writ petitioner is that the fourth respondent had committed encroachment over the said trust property and put up a construction also.



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3. His grievance is that by producing a fabricated tax receipt, the fourth respondent had obtained electricity connection.

4. The learned Standing counsel appearing for the respondents states that they have received a complaint from the petitioner and they have also conducted an enquiry. Only on account of the pendency of the writ petition, they had not passed any final order. While the fourth respondent had not obtained any electricity connection in the name of the trust, he had obtained the electricity connection in his name.

5. It is entirely for the TANGEDCO to take appropriate action in the matter. This Court will not be justified in directing disconnection. I clarify that merely because the electricity connection had been obtained by the fourth respondent for the property that is said to be the trust property that will not in any way affect the right or claim of the trust. It is always open to the trust to file a recovery suit. The third respondent is directed to pass orders on the petitioner's representation as early as possible.





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G.R.SWAMINATHAN,J.

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