



WEB COPY



W.P.No.9681 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.9681 of 2019

Lakshmamma

... Petitioner

Vs.

1.The Superintending Engineer,
Tamilnadu Electricity Board,
Dharmapuri Main Road,
Krishnagiri-635 001.

2.The Executive Engineer,
Tamil Electricity Board,
Royakottai Road,
Hosur-635 109.

3.The Assistant Engineer,
Operation and Maintenance,
Tamilnadu Electricity Board,
Berigai,
Sulagiri Taluk,
Krishnagiri District.

4.Girithimmappa
5.K.Chandrasekar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to disconnect the supply of electricity service connection bearing No.069-056-



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583 to the lands on S.F.No.52/11A situated at Mudugurki Village, Hosur Taluk, Krishnagiri District, belonging to the fifth respondent herein within a stipulated period.

For Petitioner : Mr.Govi Ganesan

For Respondents : Mr.S.Madhusudanan [R1 to R3]
M/s.R.Poornima [R4 and R5]

ORDER

The Writ Petition is filed seeking for a Writ of Mandamus, to direct the respondents 1 to 3 herein to disconnect the supply of electricity service connection bearing No.069-056-583 to the lands on S.F.No.52/11A situated at Mudugurki Village, Hosur Taluk, Krishnagiri District, belonging to the fifth respondent herein within a stipulated period.

2. Alleging theft of electricity against the private respondents pertaining to the plot at S.F.No.52/11 situated at Madugurki Village, Hosur Taluk, Krishnagiri District, the petitioner has filed a representation before the official respondents on 22.11.2018. In the said representation, the petitioner seeks action to be taken against the private respondents for theft of electricity and also for conversion of the lands into separate Survey



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Number for availing another electricity connection. The grievance of the petitioner is that, even after a lapse of so many years, the official respondents have not taken any action. Therefore, the petitioner has filed the above writ petition before this Court for appropriate directions.

3. The learned counsel for the petitioner submits that there was a partition suit pending between the petitioner and the private respondents. Suppressing the partition suit, they have obtained a electricity service connection, which is not sustainable. Hence, he prays for appropriate orders.

4. The learned counsel appearing for the respondents 4 and 5 submits that, admittedly, the private respondents are the owners of the land in S.F.No.52/11A. Unless the ownership is confirmed to the petitioner, the petitioner has no right or locus standi to file the above writ petition for disconnecting the electricity service connection. Hence, he prays for dismissal of the writ petition.

5. Heard Mr.Govi Ganesan, learned counsel for the petitioner,



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Mr.S.Madhusudanan, learned counsel appearing for the respondents 1 to 3 and M/s.R.Poornima, learned counsel appearing for the respondents 4 and 5 and perused the materials available on record.

6. The petitioner filed the above writ petition for disconnecting the electricity service connection, which was given to the private respondents on the premises, where the private respondents sub divided the lands in S.F.No.52/11 as S.F.No.52/11A, which is the subject matter of the civil suit pending before the concerned Civil Court. However, till the conclusion of the partition suit, the petitioner has no locus standi to seek for disconnecting the electricity service connection.

7. In view of the above, the Writ Petition is disposed of. However, liberty is granted to the petitioner to make a fresh representation before the officials respondent after the disposal of the civil suit pending before the concerned Civil Court. No costs.

11.04.2023

Index : Yes / No
Speaking order / Non-speaking order



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Neutral Citation Case : Yes / No

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