



W.P.No.16329 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.16329 of 2021

Sheelashanthi

... Petitioner

versus

1.The Executive Engineer
(Operation and Maintenance)
Tamil Nadu Generation and Distribution Corporation Ltd.
Ariyalur, Ariyalur District

2.The Assistant Executive Engineer
(Operation and Maintenance)
Tamil Nadu Generation and Distribution Corporation Ltd.
Jayankondam, Ariyalur District

3.Junior Engineer
(Operation and Maintenance)
Tamil Nadu Generation and Distribution Corporation Ltd.
Jayankondam, Ariyalur District

4.Village Administrative Officer
Periyavalayam Revenue Village
Udayarpalayam, Ariyalur District

5.Kumar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari calling for the records pertaining to the order dated 30.07.2021 vide K.No. 2 Mi.Po/ T/Jayam/ Ko.Mi.I/ A.No. 559/ 20-21 issued by the 3rd respondent and quash the same.



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For the Petitioner : Mr.G.Pugazhenthir
For the Respondents : Mr.M.Abdul Kalam,
for respondents 1 and 2

Mr.D.Suresh Kumar,
for the third respondent

Ms.P.Rajarajeswari,
Government Advocate,
for the fourth respondent

Mr.K.Rajendra Prasad,
for the fifth respondent

ORDER

The writ petition has been filed in the nature of certiorari seeking interference with an order dated 30.07.2021 vide K.No. 2Mi.Po/T/Jayam/Ko.Mi.I/A.No.559/20-21 issued by the third respondent/Junior Engineer of O & M TANGEDCO, Jayamkondam, Ariyalur.

2. The late husband of the petitioner and the fifth respondent are brothers. There is also another brother, who died a bachelor. The father of the petitioner and the fifth respondent came to occupy three cents of lands of the village temple namely Arulmigu Mariyamman Temple, Chinnavalayam.



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3. It is claimed that it is an unlisted village temple. It is claimed by the petitioners that the three cents of lands had been partitioned and the petitioner is residing in a hut which is abetting the main road. The fifth respondent is said to be residing in a portion behind the portion of the petitioner herein. These are statements made and not facts established.

4. The petitioner sought protection of possession and in this connection, had very wisely filed O.S.No. 52 of 2021 before the District Munsif Court at Jayamkondam. The suit is still pending. The relief sought was to protect and more particularly had also been filed against the Assistant Engineer of the Electricity Department restraining him from disconnecting the electricity connection.

5. It is stated that pending the suit, the communication now impugned in the present writ petition had been issued by the fourth respondent. By the said communication, the fourth respondent had called upon the petitioner to produce VAO certificate and house tax receipt.



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6. It is stated that unfortunately the Village Administrative Officer for some reason had cancelled the certificate which he had given.

7. It is the grievance of the petitioner that the impugned communication had been issued pending the suit.

8. The electricity department is also a defendant in the suit. The fifth respondent herein is also a defendant in the suit. Let the petitioner herein bring to the notice of the District Munsif about this particular communication issued and let him express his grievances before the District Munsif Court. The District Munsif Court may also get in writing the statements of the electricity department and also the fifth respondent and thereafter, pass orders on the basis of the representations made and submitted in writing before that particular court. The petitioner has to go back to the Munsif Court. The writ petition is not maintainable particularly when the suit is pending. I would refrain myself from passing any order whatsoever but direct the petitioner herein to go back to the District Munsif Court. The writ petition is misconceived.



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9. The writ petition stands dismissed. Liberty is given to the petitioner to approach the District Munsif Court. No costs. Consequently, WMP Nos.17301 and 17303 of 2021 are closed.

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Index: Yes/no
mrn

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C.V.KARTHIKEYAN, J.
(mrn)

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