



WEB COPY



W.P.No.2452 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2452 of 2018

and

W.M.P.No.2973 of 2018

A.Rajeswari

... Petitioner

Vs.

1.The Assistant Engineer,
TANGEDCO,
Bazaar Street West,
Coimbatore Corporation Campus,
Townhall,
Coimbatore – 1.

2.S.Kaliswari

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the 1st respondent, his men or officials or any other person acting through them, from giving electricity service connection to the property situated at Door No.49, 3rd Street, Kempatty Colony, Coimbatore 641 001, in the name of the 2nd respondent.

For Petitioner : M/s.Sarvabhauman Associates

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel [R1]



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ORDER

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This Writ Petition has been filed seeking for a Writ of Mandamus, to forbear the 1st respondent, his men or officials or any other person acting through them, from giving electricity service connection to the property situated at Door No.49, 3rd Street, Kempatty Colony, Coimbatore 641 001, in the name of the 2nd respondent.

2. The case of the petitioner is that the residential properties bearing Door No.45-49, situated at 3rd Street, Kempatty Colony, Coimbatore, comprised in Old TS No.3/200, New TS No.3/896, 43rd Division, Coimbatore South Taluk, Coimbatore Corporation limit, belong to her maternal grandmother Nagammal. After the demise of Nagammal, the properties devolved on her mother Masanammal and she also died on 14.06.2011 leaving behind the petitioner and her brother Ganeshan. Further, case of the petitioner is that the second respondent filed a suit in O.S.No.1390 of 2015 against the petitioner and his brother for delivery of possession of the suit property. However, the officials of the first respondent entered into the above said property on 24.01.2018 stating that they are going to give Electricity Service Connection in the name of the



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second respondent. Aggrieved by the same, the petitioner made a representation on 24.01.2018 and the same was not considered so far.

Hence, the present writ petition is filed for appropriate directions.

3. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the first respondent to consider the petitioner's representation dated 24.01.2014 and pass appropriate orders within a time frame that may fixed by this Court.

4. The learned Standing Counsel appearing for the first respondent would submit that before the petitioner's representation dated 24.01.2018, the electricity service connection was effected in the name of the second respondent on 23.01.2018. Hence, the representation made by the petitioner is belated one and further, the issue between the petitioner and the second respondent is of civil in nature, for which, a suit is also pending before the competent Civil Court. Accordingly, he prays for dismissal of this writ petition.



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5. Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the first respondent and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioner made a representation to forbear the first respondent from giving electricity service connection to the above said property, in the name of the second respondent, however, it appears that the electricity service connection was already effected in favour of the second respondent. Hence, the prayer sought in the present writ petition has become infructuous and the writ petition is liable to be dismissed.

7. Accordingly, the writ petition is dismissed with a liberty to the petitioner to work out the remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petition is closed.

14.03.2023

Index: Yes/ No
Speaking Order/ Non-Speaking Order
Neutral Citation Case : Yes / No
sp



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To

The Assistant Engineer,
TANGEDCO,
Bazaar Street West,
Coimbatore Corporation Campus,
Townhall,
Coimbatore – 1.



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M.DHANDAPANI, J.,

sp

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