



W.P.No.18572 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18572 of 2023

and W.M.P.Nos.17809 & 17811 of 2023

1.T.Kumaresan

2. T.Gopi

. . . Petitioners

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The Chairman,
TamilNadu Electricity Board (TANGEDCO)
No.800, Anna Salai,
Chennai-600002.

3. The District Revenue Officer (DRO)
Dharmapuri District,
Dharmapuri-636705.

4. The Superintendent of Engineer
Tamilnadu Electricity Board (TANGEDCO)
Dharmapuri District,
Dharmapuri-636701.



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5. The Revenue Divisional Officer,
Harur Division,
Dharmapuri District.

6. The Assistant Engineer,
TamilNadu Electricity Board (Operation & Maintenance)
Harur Division,
Dharmapuri District.

7. The Thasildar,
Harur Taluk, Harur,
Dharmapuri district.

8. Thirathagiri Gounder . . . Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ, forbearing the 4 and 6 respondents from in any way disconnecting the electricity connection in No.1834 and land in survey No.68/3, in Mandhikulampatti Village, Harur Taluk, Dharmapuri District till the dispose of the Civil Suit O.S.No.252/2022 and O.S.No.253/2022 on the file of sub court Harur based on the petitioner's representation dated 09.03.2023.

For Petitioner : M/s.M.Selvam

For Respondents : Mr.E.Veda Bagath Singh,
Special Government Pleader
for R1, R3, R5 & R7
Mrs.Danial Mary
Standing Counsel for R2, R4 & R6



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ORDER

This Writ Petition has been filed seeking to forbear the respondent 4 & 6 from disconnecting the electricity service connection

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice on behalf of the Respondents 1, 3 & 5 to 7 and Mrs.Danial Mary, learned Standing Counsel takes notice on behalf of respondents 2, 4 & 6.

3. It is the case of the petitioners that they have acquired the property in dispute by way of a partition deed. However, suits are pending before the civil court in O.S.Nos.252 & 253 of 2022 regarding the title to the disputed property. Pending suits, the petitioner's father/8th respondent namely Thirthagiri Gounder had approached respondents 2 & 5 seeking to disconnect the electricity service connection which stands in the name of the petitioners and restore the same in his name, however, the enquiry is pending in this regard. Aggrieved by the same, the petitioners have made a



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representation dated 09.03.2023 to the respondents seeking to forbear the respondents 4 & 6 from disconnecting the electricity service connection which stands in the name of the petitioners and the said representation is still pending. Hence, this Writ Petition has been filed.

4. Though very many grounds have been raised, however, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the Respondent to consider the representation dated 09.03.2023 seeking to forbear the TANGEDCO authorities from disconnecting the electricity service connection from the property in dispute and pass orders on merits within the time that may be stipulated by this Court.

5. This Court heard the learned Special Government Pleader appearing on behalf of the Respondents 1, 3 & 5 to 7 and learned Standing Counsel appearing on behalf of respondents 2, 4 & 6.

6. In view of the fact that suits are pending in respect of the



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property in dispute before the competent civil court, proper course open for the petitioners would be to approach the competent civil court as the same cannot be decided by this Court under Article 226 of the Indian Constitution. Hence, the prayer sought for in this Writ Petition cannot be granted.

7. If at all the petitioners have any grievance, liberty is granted to the petitioners to work out their remedy before the competent Civil Court by impleading the Electricity Board as party to the suits.

8. This Writ Petition stands disposed of with the aforesaid liberty. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No
Internet : Yes / No

NHS

To



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