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W.P.Nos.20266, 20273, 20278, 20291 & 20298 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.20266, 20273, 20278, 20291 & 20298 of 2022

and

**W.M.P.Nos.19488, 19492, 19502, 19515, 19519 of 2022 & 17373, 17374,
17375, 17376 & 17377 of 2023**

- | | |
|--------------|--|
| 1.Sudha | ... Petitioner in W.P.No.20266 of 2022 |
| 2.Balamani | ... Petitioner in W.P.No.20273 of 2022 |
| 3.R.Ramasamy | ... Petitioner in W.P.No.20278 of 2022 |
| 4.Jayanthi | ... Petitioner in W.P.No.20291 of 2022 |
| 5.Sathya | ... Petitioner in W.P.No.20298 of 2022 |

Vs.

- 1.The District Collector,
Office of the District Collectorate,
Tiruppur District.
- 2.The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.
- 3.The Superintending Engineer,
Tamil Nadu Electricity Board,
TANGEDCO, Tiruppur.
- 4.The Assistant Engineer,
TANGEDCO,



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Tiruppur, Rayapuram Electricity Distribution Office,
Uthukuli Road, Near State Bank,
Tiruppur – 641 601.

... Respondents in all WPs

5.N.Muthusamy Gounder

... 5th Respondent in
W.P.No.20266 of 2022

[R5 impleaded vide order dated 23.06.2023 made
in W.M.P.No.29619 of 2022 in W.P.No.20266 of 2022]

Prayer in W.P.No.20266 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order of the fourth respondent dated 29.06.2022 vide in Ka.No.U.Se.Po/E/Pe/Era/Thiru/Ko.Thani/A/No.237/2022-23/ dated 29.06.2022, quash the same and consequently, directing the fourth respondent to give new electricity connection to the petitioner's house situated at Door No.82A, Anaimeedu 2nd Street, Pettichettypuram, Thottipalayam, Tiruppur – 641 601 by receiving necessary charges.

Prayer in W.P.No.20273 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order of the fourth respondent dated 29.06.2022 vide in Ka.No.U.Se.Po/E/Pe/Era/Thiru/Ko.Thani/A/No.240/2022-23/ dated 29.06.2022, quash the same and consequently, directing the fourth respondent to give new electricity connection to the petitioner's house situated at Door No.120, Anaimeedu 2nd Street, Pettichettypuram, Thottipalayam, Tiruppur – 641 601 by receiving necessary charges.

Prayer in W.P.No.20278 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order of the fourth respondent dated 29.06.2022 vide in Ka.No.U.Se.Po/E/Pe/Era/Thiru/Ko.Thani/A/No.236/2022-



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23/ dated 29.06.2022, quash the same and consequently, directing the fourth respondent to give new electricity connection to the petitioner's house situated at Door No.95, Anaimeedu 2nd Street, Pettichettyapuram, Thottipalayam, Tiruppur – 641 601 by receiving necessary charges.

Prayer in W.P.No.20291 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order of the fourth respondent dated 29.06.2022 vide in Ka.No.U.Se.Po/E/Pe/Era/Thiru/Ko.Thani/A/No.238/2022-23/ dated 29.06.2022, quash the same and consequently, directing the fourth respondent to give new electricity connection to the petitioner's house situated at Door No.102, Anaimeedu 2nd Street, Pettichettyapuram, Thottipalayam, Tiruppur – 641 601 by receiving necessary charges.

Prayer in W.P.No.20298 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order of the fourth respondent dated 29.06.2022 vide in Ka.No.U.Se.Po/E/Pe/Era/Thiru/Ko.Thani/A/No.239/2022-23/ dated 29.06.2022, quash the same and consequently, directing the fourth respondent to give new electricity connection to the petitioner's house situated at Door No.156A, Anaimeedu 2nd Street, Pettichettyapuram, Thottipalayam, Tiruppur – 641 601 by receiving necessary charges.

For Petitioner : Mr.S.Saravanan
(in all WPs)

For Respondents : Mr.M.Alagu Goutham
(in all WPs) Government Advocate [R1 & R2]
Mr.L.Jai Venkatesh [R3 & R4]
Mr.A.Mohamed Ismail
[R5 in W.P.No.20266 of 2022]



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COMMON ORDER

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Since the issue involved in these writ petitions is one and the same, with the consent of the learned counsel appearing for the petitioners, these writ petitions were heard together and disposed of by this common order.

2. Though the petitioners have filed W.M.P.Nos.17373, 17374, 17375, 17376 and 17377 of 2023 seeking to fix an early date for hearing of the present writ petitions, they have consented for the disposal of the main writ petitions itself.

3. The case of the petitioners is that, they are the members of Anaimedu Anaithu Makkal Kudi-Iruper Nala Sangam. While so, they have made applications through online on 23.05.2022 seeking new electricity connection, however, the same was not considered by the fourth respondent. Hence, they have filed writ petitions before this Court in W.P.Nos.14999, 15004, 15010, 15006 and 15012 of 2022 for a Writ of Mandamus directing the fourth respondent to grant new electricity connection to their houses by considering their applications. During the pendency of the said writ petitions, the fourth respondent directed the petitioners to produce any ownership documents. Since the documents were not produced, the fourth respondent rejected the petitioners'



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applications by way of the impugned orders dated 29.06.2022 on the ground that the petitioners have not produced any relevant documents in respect of title or ownership. Challenging the same, the above writ petitions have been filed before this Court.

4. The learned counsel appearing for the petitioners submits that, for the very same disputed properties, already a civil suit has been filed by the Anaimeedu Anaithu Makkal Kudi-Iruper Nala Sangam seeking for declaration in O.S.No.377 of 2016 on the file of District Munsif, Tiruppur and the same is pending. Hence, he prays that, this Court, may grant permission to the petitioner to make fresh application before this Court after disposal of the civil suit pending in between the parties.

5. The learned counsel appearing for the fifth respondent in W.P.No.20266 of 2022 submits that, the first respondent is the absolute owner of the disputed properties and the petitioners are the encroachers. The said encroachers formed the above said Association and they have filed a writ petition in W.P.No.18516 of 2016 for recovery of possession and peaceful possession and the same was dismissed by a common order dated 04.11.2019. However, the petitioners have made false claim before the respondent-Electricity



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Board for grant of electricity service connection, which is not sustainable and the request made by the petitioners have been rightly rejected by the respondent-Electricity Board. Accordingly, he prays for dismissal of the writ petitions.

6. I have considered the said submission made by the learned counsel appearing for the parties in all the writ petitions and perused the materials placed before this Court.

7. Admittedly, there was a dispute between the petitioners and the fifth respondent in W.P.No.20266 of 2022, with regard to the disputed properties, for which, the Anaimeedu Anaithu Makkal Kudi-Iruper Nala Sangam had filed a civil suit in O.S.No.377 of 2016 and the same is pending on the file of the District Munsif, Tiruppur. In such circumstances, this Court is not inclined to interfere with the impugned orders passed by the fourth respondent and the prayer sought for by the petitioners cannot be acceded to. However, the petitioners are at liberty to workout the remedy in the manner known to law after the disposal of the said civil suit filed by the said Association.



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No costs. Consequently, the connected miscellaneous petitions are closed.

23.06.2023

(3/3)

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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- 2.The Revenue Divisional Officer,
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M.DHANDAPANI, J.,

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