



W.P(MD)No.966 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.966 of 2022
and
W.M.P(MD)No.782 of 2022

S.Mohamed Zubin

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Nagercoil,
Kanyakumari District.

2.The Junior Engineer,
Tamil Nadu Electricity Board,
Nagercoil,
Kanyakumari District.

3.Regina Kumari

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the Electric Poles erected in the property



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and forbearing from giving any electric connection to any other person other than the petitioner in his property comprised in ReSurey No.741 of Kaniyankulam Village, Agasteeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.G.Prabu Rajadurai
for Mr.T.Selvan

For Respondents : Mr.S.Dheenadhayalan
Standing Counsel for R.1 & R.2

Mr.R.J.Karthick for R.3

ORDER

Heard both sides.

2. The writ prayer contains two parts. The first part of the prayer is for removing the electric pole erected in the petition mentioned property. The other part is for restraining TANGEDCO from granting electricity service connection.

3. When the matter was taken up for hearing, the learned Standing Counsel submitted that no application has been received from the third respondent.



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4. As and when any application is received from the third respondent or any one nominated by the third respondent, TANGEDCO will put the petitioner on notice before giving a disposal to the said application. As regards the removal of the electric pole, liberty is given to the writ petitioner to work out his remedy in the manner known to law. Since serious title dispute has arisen between the petitioner and the third respondent, the third respondent shall not take advantage of the installation of the electric pole in the petition mentioned land. The rights of the parties will be independently established.

5. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

17.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

MGA



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G.R.SWAMINATHAN, J.

MGA

To

- 1.The Superintending Engineer,
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