



W.P(MD)No.8787 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.8787 of 2022

S.P.D.Karuppiah

... Petitioner

Vs

1. The Superintending Engineer,
O/o. Superintending Engineer TANGEDCO,
District Collector Campus,
Sivagangai District,
Sivagangai.
2. The Executive Engineer,
TANGEDCO,
Kazhanivasal, Karaikudi,
Sivagangai District.
3. The Assistant Engineer,,
TANGEDCO,
Kazhanivasal, Karaikudi,
Sivagangai District.
4. Nirmala

....Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, for a direction directing the



W.P(MD)No.8787 of 2022

Respondent no. 1 to 3 to conduct the enquiry and disconnect the electricity connection in S.C.No. 402-016-842 in the name of Respondent No.4 in respect of old Door No. 5/4, New No. 50/2 within the time stipulated by this Court.

For Petitioner	:Mr. S.Rajasekar
For R1 to R3	:Mr.S.Deenadhayalan Standing Counsel
For R4	:Mr.R.Sundar Srinivasan

ORDER

The writ petition had been filed in the nature of mandamus, seeking a direction against the respondents 1 to 3/Superintending Engineer, Sivagangai, Executive Engineer and Assistant Engineer at TANGEDCO, Kazhanivasal, Karaikudi, Sivagangai District, to conduct enquiry and disconnect the electricity connection in SC No.402-016-842 in the name of fourth respondent, Mrs.Nirmala, with respect to old Door No. 5/4, New No. 50/2 in T.S.No.563 Part, Karaikudi Municipality, Sivagangai District.

2.The fourth respondent had filed a suit in O.S.No.86 of 2006 before the District Munsif Court, Karaikudi seeking permanent injunction restraining the defendants therein from interfering with the peaceful



W.P(MD)No.8787 of 2022

possession of the plaintiff/fourth respondent. The said suit was dismissed.

Thereafter, the fourth respondent had filed A.S.No.5 of 2008, before the Sub Court, Devakottai, that was allowed. Thereafter, the petitioner had filed second appeal in SA(MD)No.1183 of 2011, that is pending before this Court.

3.The pendency of suit will not be a bar for providing electricity service connection. The fourth respondent has already been granted electricity connection. Let it continue. This court cannot issue any mandamus to disconnect any electricity service connection. It is only a private dispute between the petitioner on one hand and fourth respondent on another hand. Article 226 of Constitution of India cannot be a platform to resolve that particular issue.

4.The mandamus as sought by the petitioner cannot be granted.

Therefore, this writ petition stands dismissed. No costs.

25.04.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No
PNM



W.P(MD)No.8787 of 2022

To

1. The Superintending Engineer,
O/o. Superintending Engineer TANGEDCO,
District Collector Campus,
Sivagangai District,
Sivagangai.
2. The Executive Engineer,
TANGEDCO,
Kazhanivasal, Karaikudi,
Sivagangai District.
3. The Assistant Engineer,,
TANGEDCO,
Kazhanivasal, Karaikudi,
Sivagangai District.



WEB COPY



W.P(MD)No.8787 of 2022

C.V.KARTHIKEYAN, J.

PNM

ORDER IN
W.P(MD).No.8787 of 2022
MP?

25.04.2023