



W.P. (MD).No.10528 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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S.Chithra

... Petitioner

Vs

1. The Superintending Engineer,
TANGEDCO, Collectorate Complex,
Sivagangai.
2. The Assistant Engineer,
TANGEDCO (Distribution), Manakkudi,
Karaikudi, Sivagangai District.
3. A.Chidambaram

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to disconnect the electricity connection, illegally obtained by 3rd respondent and to remove the wires, running across the petitioner's house site in Patta No. 11184, Survey No. 130/4, Kallangudi Village, Karaikudi Taluk, Sivagangai District by considering her representation, dated 17.02.2021.



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For Petitioner : Mr.M. Solaisamy
For Respondents : Mr.S.Deenadhayalan(R1, R2)
Standing Counsel
Mr.J.Anand Kumar (R3)

ORDER

This Writ Petition has been filed for issue of writ of mandamus directing the second respondent to act upon the representation of the petitioner, dated 17.02.2021.

2.Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

3.The case of the petitioner is that the subject property was inherited by her husband and he is the absolute owner of the same. According to the petitioner, the third respondent had managed to get a Patta in his favour with respect to the subject property. Hence, the husband of the petitioner filed an appeal before the Revenue Divisional Officer and the Revenue Divisional Officer through his proceedings,



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dated 22.11.2019 cancelled the patta granted in favour of the third respondent. Subsequently, the third respondent filed an appeal before the District Revenue Officer and the same is pending.

4.It is stated that the husband of the petitioner has executed a settlement deed in favour of the petitioner on 01.10.2020. Thereby, the petitioner is claiming that she is the absolute owner of the subject property. The petitioner made a representation on 17.02.2021 to the second respondent, not to provide electricity connection to the third respondent. In the meantime, the electricity connection has been given to the third respondent and the petitioner wants the electricity connection to be withdrawn by considering the representation, dated 17.02.2021.

5.When the matter was taken up for hearing, the learned Standing Counsel appearing for the second respondent submitted that there is a dispute between the petitioner and the third respondent with respect to the subject property. It is brought to the notice of this Court that the third respondent has already sold the property in favour of Ram Kumar. The third respondent is no more the owner of the property. It is



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also brought to the notice of this Court that the proceedings before the District Revenue Officer is still pending and no further orders have been passed.

6.Taking into consideration the facts and circumstances of the case, it will be fit and proper to await for final orders to be passed by the District Revenue Officer in the appeal filed by the third respondent. If ultimately the appeal is dismissed, it is left open to the petitioner to revive the claim before the second respondent and seek for disconnection of the service connection, on the other hand, if the District revenue Officer allows the appeal, it is left open to the petitioner to seek remedy before the appropriate forum in the manner known to Law.

7.In the light of the above directions, this writ petition stands disposed of. No costs.

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NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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N.ANAND VENKATESH, J.

PNM

**ORDER IN
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