



W.P.(MD).No.14012 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.14012 of 2020

A.Raman

... Petitioner

Vs.

1.The Assistant Engineer,
Tamil Nadu Electricity Board,
Madurai to Rameshwaram Road,
Paramakudi,
Ramanathapuram District.

2.Vaalavanthal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Mandamus***, to direct the 1st respondent herein to disconnect and remove the connection service No.34-100-41-964 which was provided wrongly in petitioner's land comprising survey No.133/2A situated at Kattuparamakudi Village, Ramanathapuram District by considering the petitioner's representation, dated 09.08.2020 within reasonable time as may be fixed by this Court.

For Petitioner	: Mr.S.Ramasamy
For R1	: Mr.S.Deenadhayalan
For R2	: Mr.P.Muthusamy



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ORDER

This writ petition is filed for writ of **Mandamus**, to direct the 1st respondent herein to disconnect and remove the electricity connection provided to the 2nd respondent, since the land belongs to the petitioner.

2.The contention of the petitioner is that the Survey No. 133/2A situated at Kattuparamakudi Village, Ramanathapuram District, belongs to the petitioner and the petitioner has registered general power of attorney of the said land through document, dated 05.10.2010. Admittedly, there was a dispute between the petitioner and the 2nd respondent and a suit was filed in this regard and judgment and decree was passed.

3. The learned Counsel appearing for the petitioner pointed out by reading the judgment that the property in survey Nos.133/2B and 132/2A is encroached by both the petitioner as well as the 2nd respondent but the property in survey No.133/2A belongs to the petitioner through the general power of attorney.



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4.The learned Counsel appearing for the 2nd respondent submitted that the land in dispute was encroached by the petitioner.

5.Therefore, the 1st respondent shall issue notice to the petitioner as well as the 2nd respondent by fixing the date of enquiry. The petitioner and the 2nd respondent are directed to appear before the 1st respondent and prove their title by producing the records including the suit judgment. The petitioner and the 2nd respondent shall attend the enquiry without fail and produce all the documents to substantiate their claim. The said enquiry shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. Based on the outcome of the enquiry the respondents shall act accordingly.

6.With the above said observation, the writ petition is disposed of.

No costs.

04.09.2023

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

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S.SRIMATHY, J.

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