



W.P(MD)No.14858 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.14858 of 2015

and

M.P.(MD)Nos.1 & 2 of 2015

M.K.Gopal

... Petitioner

**Vs.**

1.The Assistant Executive Electrical Engineer,  
Tamilnadu Electricity Generation and  
Distribution Corporation, Airport,  
Anuppanady, Madurai.

2.The Assistant Electrical Engineer,  
Tamilnadu Electricity Generation and  
Distribution Corporation,  
Panaiyur, Madurai.

3.R.Pandy

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating with the impugned notice in கு.ஆ.எண்.உமிபொ/பதிா/பனை/மது/வஆ/கோ.வழக்கு/ஆ/எண் No.162/.2015 dated 07.07.2015, issued by 2nd respondent and quash the same as it is illegal and in consequence to direct the respondents 1 and 2 to disconnect the electricity connection No.122-001-237 in the land in S.No.40/2 and 40/8 in Sayanapuram Village, in Madurai Taluk, in Madurai District.



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For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.S.Dheenadhayalan for R1 & R2  
: no appearance for R3

### **ORDER**

Heard the learned counsel for the petitioner and the learned standing counsel for TANGEDCO. The third respondent was served and he entered appearance through the counsel. But there is no representation on behalf of the 3<sup>rd</sup> respondent.

2. The petition mentioned agricultural lands belonged to the petitioner's mother Indumathiammal. She passed away on 17.10.1995. The petitioner is in possession of the lands thereafter. The petitioner alleges that the third respondent herein has been illegally trespassing into the lands and interfering with the petitioner's possession and enjoyment. The petitioner therefore filed O.S.No.85 of 2009 before the Principal District Munsif Court, Manamadurai. The third respondent filed O.S.No.92 of 2009. Both the suits were for permanent injunction. While the petitioner's suit was decreed as prayed for, the third respondent's suit was dismissed. This was on 25.09.2013. Questioning the same, the third respondent filed two first appeals. Both the appeals were dismissed. Challenging the same, the third respondent filed S.A.(MD)Nos.624 & 625 of 2015. They are pending. According to the petitioner's counsel, no interim order has been granted in favour of the third respondent in the pending



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second appeals. In the meanwhile, the petitioner wants TANGEDCO to temporarily disconnect the service connection. The second respondent informed the petitioner that there is no scope for such temporary disconnection. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. Disconnection of electricity supply cannot be used as a tool to evict the tenants. However, in the case on hand, the petitioner has already obtained injunction decree in his favour. The same has not been stayed or set aside till date. Therefore, it must be taken that the petitioner is in physical possession and enjoyment of the land in question. The petitioner is based in Madurai. The lands are in Thirupuvanam Taluk in Sivagangai District. If any energy theft takes place or any other adverse consequence ensues, the petitioner will be made liable. Therefore, the order impugned in the writ petition is set aside. The respondents 1 & 2 are directed to disconnect the petition mentioned electricity connection forthwith and without any delay.



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**G.R.SWAMINATHAN, J.**

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5. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

**07.09.2023**

Index : Yes / No  
Internet : Yes/ No  
rmi

To

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