

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.18036 of 2015

and

M.P.(MD)No.1 of 2015

EMGS, Arun Pothyraj,
S/o. EMG Soundarajan
Trustee,
E.M.Gopalakrishna Kon Trust,
25F, Gogulam Bungalow,
Chinna Chokkikulam,
Madurai – 625 002.

... Petitioner

versus

1. The Assistant Engineer,
Tamil Nadu Electricity Board,
Tiruppalai, Madurai.

2. Iyyanar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to forbear the first respondent from providing electricity service connection to the property in Survey No.169/1 and 169/2, Siruthur Village, Madurai

District, to the 2nd respondent.

For Petitioner : Mr.G.Prabhu Rajadurai
For R1 : Mr.S.Dheenadhayalan
For R2 : No appearance

ORDER

This writ petition is filed by the Trustee of E.M.Gopalakrishna Kon Trust for a Mandamus forbearing the first respondent from providing electricity service connection to the property in Survey No. 169/1 and 169/2, Siruthur Village, Madurai District, to the 2nd respondent.

2. The learned counsel appearing for the petitioner Trust submits that the land in Survey Nos.169/1, 169/2, situated at Siruthur Village, Madurai District, was settled by E.M.Gopalakrishna Kone, to the Trust for educational purpose and the Trust, in turn, transferred those properties in favour of the school run by the Trust. While so, the second respondent Iyyanar has created a document at Padasala as if the

then trustee Mr.Soundarajan has executed a power of attorney in favour of him to sell the lands and with the strength of the said document, he sold the property to several other persons and now, they have claimed title over the properties. Further, the second respondent has also attempted to obtain electricity service connection from TANGEDCO. Therefore, the petitioner Trust has filed this writ petition.

3. The learned counsel appearing for the petitioner further submits that the second respondent is no more.

4. The learned counsel appearing for the first respondent submits that they have not received any application from the second respondent for grant of electricity service connection in Sruvey No.169/1, 169/2 at Siruthur Village, Madurai District. Therefore, nothing survives in this writ petition.

5. In view of the submission made by the learned counsel appearing for the petitioner that they have not received any application from the second respondent for grant of electricity service connection, this writ petition is closed as no further order is required. No costs. Consequently, connected miscellaneous petition is closed.

09.03.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Assistant Engineer,
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