



WP (MD) No.20122 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.20122 of 2015

and

WMP(MD)No.1 of 2015

V.Santha Kumar

... Petitioner

Vs

1.The Joint Engineer,
O & M Main Guard Gate,
TANGEDCO,
Thennur, Trichy.

2.The Assistant Engineer,
O & M Main Guard Gate,
TANGEDCO,
Thennur, Trichy.

3.Dhanalakshmi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent 1 and 2 not to disconnect the electricity service connection in S.C.Nos.206-010-659, 206-010-1323 to 1326 given to the house property bearing No.38, Mappillai Naicken Tank Street, Trichy – 8, based on the petitioner's representation dated 25.10.2015.



WP (MD) No.20122 of 2015

For petitioner : Mr.S.Ramanathan
For Respondent : Mr.S.Deenadhayalan,
Nos.1 and 2 Standing Counsel
For Respondent : No representation
No.3

ORDER

This writ petition was filed in the year 2015 for a writ of mandamus directing the respondents 1 and 2 not to disconnect the electricity service connection in S.C.Nos.206-010-659 and 206-010-1323 to 1326 at Door No.38, Mappillai Naicken Tank Street, Trichy – 8.

2.The case of the petitioner is that the subject property was purchased by his father in the year 1968 and his father died in the year 1993. By way of an oral partition and by mutual understanding between the legal heirs of this petitioner's father Venkatesan, the subject property was allotted to this petitioner in the year 2007. The petitioner has also constructed a house, he is residing and obtained electricity service connection to the property. It appears that the 3rd respondent / the petitioner's mother has filed a suit as against this petitioner in OS.No.543 of 2014 for partition. It is stated that the petitioner has also filed a suit before the



WP (MD) No.20122 of 2015

District Munsif Court, Tiruchirappalli in OS.No.146 of 2015 for partition and separate possession of 1/7th share. Pending the suits at the instance of the 3rd respondent / the petitioner's mother, the electricity Board has attempted to disconnect the electricity service connection and therefore, the petitioner has filed this writ petition for a writ of mandamus directing the respondents not to disconnect the electricity service connection.

3.The learned Counsel for the petitioner claims that both the suits are pending. The learned Counsel for the respondent Board submits that one suit has been disposed. Considering the relief sought for in this writ petition and the suit is also pending before the civil court, this writ petition is disposed of with liberty to the respondents 1 and 2 to conduct enquiry afresh by issuing notice to the petitioner as well as the respondent 3, ascertain the present position, whether the petitioner is having any valid documents and take appropriate action in accordance with law, after affording due opportunity to the parties concerned. No costs. Consequently connected miscellaneous petition is closed.

06.11.2023

dsk

3/5



WP (MD) No.20122 of 2015

To

WEB COPY

1.The Joint Engineer,
O & M Main Guard Gate,
TANGEDCO,
Thennur, Trichy.

2.The Assistant Engineer,
O & M Main Guard Gate,
TANGEDCO,
Thennur, Trichy.



WEB COPY



WP (MD) No.20122 of 2015

B.PUGALENDHI, J.

dsk

WP(MD)No.20122 of 2015

06.11.2023