



W.P(MD)No.384 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.384 of 2016 and
WMP(MD) No.311 of 2016

J.Sunil Kumar

...Petitioner

Vs.

**1.The Executive Engineer,
Tamil Nadu Electricity Board,
Nagercoil,
Kanyakumari District.**

**2.The Junior Engineer,
Distribution,
TANGEDCO,
Kollencode – 620 180.**

3.J.Jayanthi Mary

4.T.Poulose

...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 of the impugned proceedings passed by the second respondent in the proceedings letter No.E.Ne.Po/Ve/Ko/Koo.Cuttu/A.No.504/15, dated 10.10.2015 to



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quash the same and consequently direct the first and second respondents to permit the petitioner to utilize the electricity connection give by the second respondent in Survey No.394/1A Kollancode Village, Vilvancode Taluk, Kanyakumari District.

For Petitioner : Mr.D.Anbarasu
For R1 & R2 : Mr.S.Deenadayalan
Standing Counsel

ORDER

This Writ Petition is filed as against the notice issued by the second respondent in E.Ne.Po/Ve/Ko/Koo. Cuttu/A.No.504/15, dated 10.10.2015.

2.The impugned notice was issued based on the objections raised by the fourth respondent on the electricity service connection effected in Survey No.394/1A Kollancode Village, Vilvancode Taluk, Kanyakumari District in favour of the petitioner.

3.The learned counsel appearing for the petitioner submits that the fourth respondent is the husband of the third respondent. The petitioner is the brother of the third respondent. The



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property in Survey No.394/1A Kollancode Village, Vilvancode Taluk, Kanyakumari District was gifted by the father of the third respondent to the fourth respondent at the time of their marriage. The above property originally stands in the name of the fourth respondent. Subsequently, due to some dispute between the couple, decree of divorce was passed. Thereafter, the third respondent has also filed a suit and has obtained a decree in her favour with regard to the property in S.No.394/1A. Thereafter, the third respondent has also permitted the petitioner to run Welding workshop and to effect electricity service connection in the name of the petitioner and the same was objected by the fourth respondent/the erstwhile husband of the third respondent that the property belongs to him. Based on this application, notice was issued to the petitioner.

4.The writ petition was filed challenging the notice dated 10.10.2015 in the year 2016 and listed for admission on 08.01.2016 and periodically adjourned . However, notice has not yet been ordered.



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5.The learned Standing Counsel appearing for the TANGEDCO, on instructions submits that based on the notice dated 10.10.2015, they have conducted an enquiry and found that the petitioner's sister/the third respondent is having a valid decree in her favour and they have also closed the enquiry.

6.Recording the submission made by the learned Standing Counsel, this writ petition is closed as no further order is required. No Costs. Consequently, connected Miscellaneous Petition is closed.

21.02.2023

Index:Yes
Internet:Yes
vrn



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B.PUGALENDHI, J.

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