



WP(MD)No.8407 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.8407 of 2016

and

WMP(MD)Nos.6787 of 2016 & 2653 of 2017

S.Saravanakumar

... Petitioner

v.

1.The Assistant Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd (TANGEDCO),
Palanganatham,
Madurai – 625 003.

2.S.Nagammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the first respondent from disconnecting the electricity supply No.048-004-1785 at Old Door No.396/5, New No.14, Ganapathi Nagar South Street, Palanganatham, Madurai – 625 003, without providing opportunity to the petitioner, based on the petitioner's representation dated 18.04.2016.



WEB COPY



WP(MD)No.8407 of 2016

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel for R.1

Mr.M.Jerin Mathew for R.2

ORDER

The petitioner is the son of the second respondent. He is in occupation in a portion of the property of the second respondent. The second respondent / mother, with a grievance that this petitioner has not provided any maintenance to her and also harassing her, has approached the first respondent to disconnect the service connection in the portion where this petitioner has forcibly occupied. Knowing that the mother / second respondent has given a representation as against the petitioner before the first respondent, the petitioner has filed this writ petition in the year 2016 for a mandamus forbearing the first respondent from disconnecting the electricity service connection in S.C.No.1785, Old Door No.396/5, New No.14, Ganapathi Nagar South Street, Palanganatham, Madurai, without providing an opportunity to the petitioner.



WP(MD)No.8407 of 2016

2.This Court, while entertaining the writ petition in the year 2016, considering the plea raised by the petitioner that he is residing in the premises, granted an order of interim injunction on condition that the petitioner shall pay a sum of Rs.2,000/- per month to the second respondent. This Court has also recorded that if the petitioner fails to pay the amount, the order shall stand dismissed automatically.

3.Thereafter, when the writ petition came up for hearing on 12.12.2017, this Court, considering the relationship of the parties, referred the writ petition to the Mediation and Conciliation Centre attached to this Bench. However, the Mediation and Conciliation Centre has filed its report on 30.01.2018 that mediation could not be succeeded. The writ petition was thereafter listed only in the year 2023.

4.Learned Counsel for the second respondent submitted that the property belongs to the second respondent and the petitioner has forcibly occupied a portion of the property and also harassing the second respondent. He further submitted that this petitioner, by filing this writ petition, got an



WP(MD)No.8407 of 2016

order of interim injunction with a condition that he has to pay a sum of Rs.2,000/- every month to the second respondent, however, the said order was complied only for a period of two years and thereafter, the petitioner failed to pay the amount.

5.Learned Counsel for the petitioner disputed the same that this petitioner has regularly paid the amount, as directed by this Court, till 2017 and thereafter, the learned Counsel is not having any instructions as to whether the petitioner has paid the amount or not.

6.Learned Standing Counsel for the first respondent / Board submitted that the service connection stands in the name of the second respondent and they have received an application from the second respondent. In view of the pendency of this writ petition and the interim order granted by this Court, they have not proceeded further on the application of the second respondent.

7.This Court considered the rival submissions made on either side and perused the available materials.



WP(MD)No.8407 of 2016

WEB COP 8.It is an unfortunate case that a son / petitioner has filed this writ petition as against the mother / second respondent that she is attempting to evict him forcibly. Admittedly, the subject property belongs to the second respondent. The petitioner is not having any agreement with the second respondent to reside in that house as a tenant. However, it appears that in the guise of his relationship, ie., the son of the second respondent, he is residing in the premises.

9.The second respondent has filed a counter affidavit with specific averment as against this petitioner that this petitioner and his wife are harassing her and also beating her. The petitioner, who filed this writ petition in the year 2016, has paid the amount of Rs.2,000/-, as directed by this Court, till 2017 and thereafter, has failed to instruct his Counsel as to the steps taken by him in compliance of the orders passed by this Court. This conduct of the petitioner in having obtained an interim order and failed to inform his Counsel as to the compliance of the conditional order has to be viewed seriously.



WP(MD)No.8407 of 2016

WEB COPY

10. In view of the foregoing discussions, the nature of relief sought for, the fact that the property belongs to the second respondent and that the petitioner is not having any agreement of lease with the second respondent, this writ petition stands dismissed. The interim order already granted stands vacated.

11. The second respondent / mother of the petitioner is at liberty to work out her remedy for maintenance by invoking the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, if so advised.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
gk

22.06.2023



WEB COPY



WP(MD)No.8407 of 2016

B.PUGALENDHI, J.

gk

WP(MD)No.8407 of 2016

22.06.2023