



W.P(MD)No.24014 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24014 of 2023

and

W.M.P.(MD)No.20164 of 2023

N.Venkatesan

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Power House Road, N.R.T.Nagar,
Theni, Theni District.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Power House Road, N.R.T.Nagar,
Theni, Theni District.

3.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Bodi Town, Bodinayakkanur,
Bodinayakkanur Taluk,
Theni District.

4.S.Paramanandam



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5.Saravana Sankar

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings dated 22.09.2023 made in Ka.No.Asst/Electricity/Engineer/Town/Bodi/Va.Aa.Ko/A.No.571 of 2023 on the file of the 3rd respondent and quash the same and consequently direct the Assistant Engineer, TANGEDCO, the 3rd respondent to consider the representation dated 11.09.2019 and 25.09.2014 of the petitioner in the light of the judgment and decree dated 16.09.2005 and orders passed in I.A.No.1 of 2019 on the file of the Sub Court, Periyakulam.

For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel for R1 to R3.

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for TANGEDCO. Considering the nature of relief to be granted, issuance of notice to the respondents 4 and 5 is dispensed with.



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2.The petitioner filed a partition suit in O.S.No.51 of 1994 on the file of the Sub Court, Periyakulam. The petitioner obtained preliminary decree in his favour on 16.09.2005 and final decree was passed on 08.08.2019. The petitioner's share has been declared. Now the properties are going to be divided by metes and bounds. The petitioner states that TANGEDCO should not give any supply of electricity in favour of the private respondents in the meanwhile. Since the properties are yet to be physically divided by metes and bounds, I am not inclined to restrain TANGEDCO in the meanwhile. However while accepting the application of the private respondents, TANGEDCO will make it clear that it would be subject to the outcome of final decree proceedings. The respondents 4 and 5 cannot claim any equity merely because they have been given electricity service connection in the meanwhile. Once the petitioner produces the final decree in his favour whereby the properties have been allotted to him, without issuing any further notice to the private respondents, action will be taken. This shall be made it clear to the respondents 4 and 5 now itself. The rights of the parties will abide by the eventual outcome of the partition suit proceedings.



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3. With this observation, clarification and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

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