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W.P.(MD)NO.28049 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28049 of 2022

Lakshmi

... Petitioner

Vs.

1. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO,
Dindigul North Electricity Distribution Circle,
Meenatchi Nayakan Patti, Bye Pass Road,
Dindigul.

2. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO, Vadamadurai Post,
Vedasandur Taluk, Dindigul District.

3. Indirani

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in Ka.No. Vu.Mi.Po/E.Pe/Nagar/Va.Mathu/Ko./A.No. 207/22 dated 06.10.2022 and quash the same as illegal and consequently direct the 1st respondent to shift the petitioner's existing electricity service connection bearing No. 34 along with the



Electric Pole from the landed property in Survey no. 211/1A1A to her landed property in Survey No. 211/1-C situated at Perumpulli Village, Veda sandur Taluk, Dindigul within a time stipulated by this Court.

For Petitioner : Mr.J.Lawrance
For R-1 & R-2 : Mr.S.Deenadhayalan,
Standing Counsel.
For R-3 : Mr.N.Anandakumar

* * *

ORDER

Heard both sides.

2. The petitioner was enjoying the petition-mentioned service connection. Since the pole from which the petitioner was drawing electricity was located in the neighbour's land, based on the request of the petitioner it was shifted and supply was also temporarily cut off. After the electric pole was shifted on account of the objection raised by the third respondent, the supply was not restored.



3.The second respondent informed the petitioner that objection has been received from the third respondent with regard to the pendency of the partition suit. Challenging the stand of the second respondent, the present writ petition came to be filed.

4. The petitioner is said to be the second wife of the father of the third respondent. The third respondent had filed O.S.No.20 of 2022 on the file of the Sub Court, Veda sandur. The land on which the pole has now been erected is also a part of the suit schedule.

5. The apprehension of the third respondent is that in the event of the petition-mentioned land being allotted to her share, difficulties and complications will arise. I am of the view that this apprehension is not well founded. I make it clear that the rights of the parties will abide by the outcome of the partition suit proceedings. The petitioner through her counsel makes it clear that she will not claim any equity by citing this order. Respondents 1 and 2 are directed to restore the supply of electricity to the petitioner. This would be subject to the



outcome of the civil suit. This writ petition stands allowed on these terms. No costs.

03.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO,
Dindigul North Electricity Distribution Circle,
Meenatchi Nayakan Patti, Bye Pass Road,
Dindigul.
2. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO, Vadamadurai Post,
Vedasandur Taluk, Dindigul District.



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G.R.SWAMINATHAN,J.

PMU

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