



WEB COPY



W.P.No.10954 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.10954 of 2021

G.Rajarajan

... Petitioner

Vs.

- 1.The Tamilnadu Electricity Board,  
Rep. By its Chairman,  
Anna Salai,  
Chennai 600 002
- 2.The Executive Engineer,  
Operation & Maintenance (O&M),  
TNGEDCO, GINGEE,  
Villupuram District
- 3.The Assistant Engineer, (Rural)  
Operation & Maintenance (O&M),  
TNGEDCO, GINGEE,  
Villupuram District
- 4.The Junior Engineer,  
Vallam Electricity Distribution Office,  
TNGEDCO, Gingee Taluk,  
Villupuram District
- 5.G.Elumalai

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 herein to disconnect the electricity service connection bearing consumer No.662 stands in the name of the fifth respondent.



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For Petitioner : Mr.G.Palani

For Respondents

For R1 to 4 : M/s.Danial Marry,  
Standing Counsel

### **ORDER**

This writ petition has been filed for direction to respondents

1 to 4 to disconnect the electricity service connection bearing consumer No.662 stands in the name of the fifth respondent.

2. The petitioner is the owner of the property comprised in survey no.91/4C1 admeasuring 3488 sq.ft. situated at Vallam Village, Gingee Taluk, Villupuram District. While being so, the fifth respondent is being his own brother, disturbed his peaceful possession and enjoyment of the said property. Therefore, the petitioner filed suit in OS.No.237 of 2011 on the file of the District Munsif Court, Gingee seeking declaration and permanent injunction as against the fifth respondent. In the meanwhile, respondents 1 to 4 also provided electricity service connection in service connection No.662 in favour of the fifth respondent. Hence, the petitioner filed application for amending the prayer as mandatory injunction to disconnect the electricity service connection in the said suit.



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The said suit was decreed by the judgment and decree dated 27.02.2020.

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Aggrieved by the same, the fifth respondent preferred appeal before the appellate court in AS.No.7 of 2020 and the same was also dismissed.

Aggrieved by the same, the fifth respondent preferred second appeal before this Court in SA.No.63 of 2023, wherein the judgment and decree passed by the trial court has been stayed by this Court.

3. Therefore, if the petitioner succeeds in the second appeal, respondents 1 to 4 are directed to implement the judgment and decree passed by the trial court in OS.No.237 of 2011.

4. With the above direction, this writ petition is disposed of.  
There shall be no order as to costs.

05.04.2024

Neutral Citation: Yes/No  
Index: Yes/No  
Speaking/Non-speaking order  
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**G.K.ILANTHIRAIYAN, J.**

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To

- 1.Chairman,  
The Tamilnadu Electricity Board,  
Anna Salai,  
Chennai 600 002
- 2.The Executive Engineer,  
Operation & Maintenance (O&M),  
TNGEDCO, GINGEE,  
Villupuram District
- 3.The Assistant Engineer, (Rural)  
Operation & Maintenance (O&M),  
TNGEDCO, GINGEE,  
Villupuram District
- 4.The Junior Engineer,  
Vallam Electricity Distribution Office,  
TNGEDCO, Gingee Taluk,  
Villupuram District

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