



W.A.No.2611 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

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CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.2611 of 2021

and

C.M.P.No.16770 of 2021

M.Palanisamy

... Appellant

Vs.

- 1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.
- 2.The Assistant Engineer,
Tamil Nadu Electricity Board,
Power Manufacturing & Supply,
Kovai Power Distribution Division / Corp.,
Chinniyampalayam West,
Coimbatore.
- 3.Selvaraj,
- 4.Marimuthu
- 5.Poun Pandian
- 6.Veliangiri
- 7.Thangapandian
- 8.Sivakumar
- 9.Manikandan



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- 10.Rangammal
- 11.Yuvaraj
- 12.Sankar
- 13.Mahendran
- 14.Jayapandian
- 15.Balamani
- 16.R.Rayappan
- 17.M.Eswari
- 18.Kuppathal
- 19.K.Gomathi
- 20.Raman
- 21.Mallika
- 22.M.Mallika
- 23.Palanisamy
- 24.Poovathal
- 25.Kamala
- 26.M.Fathima Begum
- 27.K.Mallika
- 28.M.Asaithambi
- 29.Maragatham
- 30.Pechiammal
- 31.A.Subramaniam
- 32.Banumathi
- 33.M.Velumani
- 34.Balammal
- 35.Arumugam
- 36.Annakili
- 37.Thulsiammal
- 38.Jothi
- 39.Rukmani
- 40.Veerammal
- 41.Govindaraj
- 42.K.Vinitha
- 43.Guruvammal
- 44.Revathi
- 45.K.Kalpana
- 46.Senthil Kumar,
- 47.Rangammal



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- 48.Rukmani
- 49.Raja
- 50.Saraswathi
- 51.Ayyammal
- 52.Chandra
- 53.Selvi
- 54.Rathnakala
- 55.Susila
- 56.Duraisamy
- 57.S.Puspha
- 58.Thulasimani
- 59.Neelavathi
- 60.M.Mani
- 61.Palanthai
- 62.Ramathal
- 63.N.Moorthi
- 64.M.Revathy
- 65.Kandasamy
- 66.Thulasiammal
- 67.Shakul Hameed
- 68.Maideen Kadar Fathima
- 69.Gopalsamy
- 70.Savithri
- 71.Prakash
- 72.Ramasamy
- 73.Anandhan
- 74.Palaniammal
- 75.P.Ponnammal
- 76.J.Rajathi
- 77.Mahendran
- 78.Parimala
- 79.M.Sulochana
- 80.N.R.Balasubramanian
- 81.P.Ravikumar
- 82.A.Pavunpandi
- 83.V.Shankar
- 84.K.Amala
- 85.Pazhaniammal Murugan



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- 86.M.Ganesan
87.V.Rajamani
88.Tulasimani
89.Kannammal
90.Syed Ali Fathima
91.N.Mohanraj
92.P.Kalamani
93.P.Kandasamy
94.Kuppuraj
95.Bannari
96.Muthammal
97.Bagyalakshmi
98.Lakshmi
99.Thulasi
100.Sivaraj
101.K.Nithya
102.Vairakani
103.Santhamani
104.Jayakumar
105.Murugan
106.N.Saraswathi
107.Ramathal
108.Muthulakshmi
109.Sulochana
110.Maragatham
111.Janaki
112.Kunjammal
113.A.Baby
114.Palaniammal
115.Ramasamy
116.T.Meena
117.G.Mani
118.Pachiammal
119.Chinnraj
120.Lakshmi
121.Ayyasamy
122.Kumudha
123.M.Vijay



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124.Lakshmi
125.Saraswathi
126.Selvi
127.Saraswathi
128.Vijayalakshmi
129.S.Vijaya
130.Sakthivel
131.Nagaraj
132.Palanisamy
133.Velusamy
134.Marimuthu
135.Murugathal
136.N.Ramathal
137.R.Prabhu

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 03.09.2021 and made in WP.No.10869 of 2013 by this Court and call for records of the 2nd respondent ending with proceedings dated 04.3.2013 in Letter No.U.Mi.Po./C.PaWest/Kattu-WP.4773/13/A.No.134/12-13 and quash the same and consequently direct the respondents 1 and 2 to disconnect power supply to encroachers in S.No.709/2, 3, Kalapatti Village, Coimbatore District as prayed in WP.No.10869/13.

For Appellant : Mr.N.A.Nissar Ahmed
Senior Counsel

For R1 & R2 : Mr.L.Jaivenkatesh
Standing Counsel

For R3, R6, R9, R10, : No Appearance
R13 to R16, R18, R19,
R21 to R37, R39 to R81,
R83 to R92, R94 to R110,
R111, R112 to R116,



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R118 to R137

For R4, R5, R7, R11, : Died (Steps due)
R17, R82, R93 & R117

For R12 & R20 : Not Ready in Notice

J U D G M E N T

[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The writ appeal has been instituted challenging the writ order dated 03.09.2021 passed in W.P.No.10869 of 2013.

2. The learned Single Judge considered the facts in detail and held that the appellant herein shall take steps to effect delivery of possession by getting appropriate orders from the Execution Court and thereafter the service connection given by the Tamil Nadu Generation and Distribution Corporation (TANGEDCO) can be cancelled. The Writ Court has declined to interfere during the interregnum period when the Execution Petition proceedings are pending before the Competent Civil Court of Law.



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3. In nut shell, the appellant claims to be the absolute owner of the subject property. This property was resumed by the Government. After resumption, the third parties encroached upon the subject property. Admittedly, 210 families are now residing in the said property. The resumption order issued by the Government was set aside by this Court. The appellant filed a suit for Specific Performance against his vendors. Suit decreed in favour of the appellant. Execution Petition filed is pending. Under these circumstances, the writ petition has been instituted for disconnecting the electricity service connection.

4. Electricity service connection is an essential service. When the appellant is a decree holder and an execution petition has been filed, he has to pursue the remedy before the Competent Civil Court for taking possession of the property and thereafter disconnect the electricity service connection by submitting an appropriate application before the Electricity Board.



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5. Thus, the writ Court has rightly appreciated the factual situation prevailing in the subject property. Thus, we are not inclined to interfere with the impugned order. Consequently, the impugned order stands confirmed and the writ Appeal is dismissed. Connected Miscellaneous Petition is closed. No costs.

[S.M.S., J.] [C.K., J.]
24.06.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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To

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Tamil Nadu Electricity Board,
Anna Salai, Chennai.

- 2.The Assistant Engineer,
Tamil Nadu Electricity Board,
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Kovai Power Distribution Division / Corp.,
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and
C.KUMARAPPAN, J.

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