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W.P.No.24607 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.24607 of 2024

K.Venkatesan

...Petitioner

Vs.

1. The Chief Engineer,
Vellore Zone,
Tamilnadu Electrical Board,
Gandhi Nagar, Katpadi, Vellore-632 006.
2. The Superintending Engineer,
Vellore Block,
Tamilnadu Electricity Board,
Gandhi Nagar, Katpadi, Vellore-632 006.
3. The Executive Engineer,
Vellore Block,
Tamilnadu Electricity Board,
Gandhi Nagar, Katpadi, Vellore-632 006.
4. The Assistant Executive Engineer,
Tamilnadu Electricity Board,
Shenbakkam West, Vellore-632 008.
5. The Junior Engineer, O & M,
Tamilnadu Electricity Board,
Thottapalayam Branch, Fort Round Road,
Vellore-632 001.



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6. Kumar

7. Mahadev Sharma

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 5th respondent to disconnect the service connection No.226-003-973 given by 5th respondent to 7th respondent regard to property situated in S.No.672, 672/1, 672/2, 672/3, 672/4, 672/5, Old Door No.45/2, New Door No.45/A2, Gandhi Road, Ward No.3, Vellore city and District.

For Petitioner : Mr.A.Gouthaman

For Respondents : Mr.S.Madhusudhanan, for R1 to R5

ORDER

This Writ petition has been filed seeking direction to the 5th respondent to disconnect the service connection No.226-003-973 given by the 5th respondent to the 7th respondent in respect of the property situated in S.Nos.672, 672/1, 672/2, 672/3, 672/4, 672/5, Old Door No.45/2, New Door No.45/A2, Gandhi Road, Ward No.3, Vellore city and District.

2. Mr.S.Madhusudhanan, learned counsel takes notice on behalf of the respondents 1 to 5. In view of the consent expressed by the learned



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counsel on either side, this petition is taken up for final disposal at the admission stage itself.

3 Since no adverse order is being passed against the 6th and 7th respondents, notice to the 6th and 7th respondents is dispensed with.

4. The case of the petitioner is that, the property situated in Town S.Nos.672, 672/1, 672/2, 672/3, 672/4, 672/5, Old Door No.45/2, New Door No.45/A2, Gandhi Road, Ward No.3, Vellore city and District belonged to the petitioner's father and the same was acquired by the petitioner's grandfather through a Court order in 193/1932 on the file of the District Munsif, Vellore. Subsequently, the petitioner initiated rent control proceedings against the tenants and taken possession of the above said property and demolished the complex in the above said property. While so, the 6th respondent herein, who is in no way connected to the above said property, filed a suit in O.S.No.35 of 2008 claiming $\frac{1}{2}$ share over the suit property. Pending the said suit, the 6th respondent illegally sold the subject property to the 7th respondent and pursuant to the said purchase, the 7th respondent obtained electricity service connection bearing No.226-003-973



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in the above said property. Aggrieved by the same, the petitioner sent several representations to the official respondents seeking disconnection of the said service connection, which evoked no response. Hence, the petitioner has come up with this Writ petition.

5. Heard learned counsel on either side and perused the material documents placed on record.

6. Though very many grounds have been raised by the learned counsel for the petitioner, at the time of arguments, when this Court expressed its opinion that the issue involved in the present case is purely a civil dispute, for which, already a suit in O.S.No.35 of 2008 has been filed on the file of the Subordinate Judge, Vellore and the same is pending and thereby, no affirmative direction can be issued in favour of the petitioner under Article 226 of the Constitution and the proper remedy available to the petitioner is to approach the trial court where the suit is pending, the learned counsel for the petitioner restricted his prayer and sought permission of this Court to approach the authorities and make a fresh claim, after succeeding in the above said pending suit.



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WEB COPY 7. In view of the aforesaid stand taken by the learned counsel for the petitioner, this Court without going into the merits of the case, grants permission to the petitioner as well as the private respondents to canvass all their grievances before the trial court, where the suit is pending. Further liberty is granted to the petitioner to approach the Electricity board officials seeking disconnection of the disputed service connection, if he succeeds in the said Suit.

8. With the above observations and directions, this Writ Petition stands disposed of. No costs.

29.08.2024

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NCC	: Yes/ No
Speaking Order	: Yes/ No
Index	: Yes/ No



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M.DHANDAPANI, J.

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