



W.P.No.26374 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

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

W.P.No.26374 of 2022

Saraswathi

...Petitioner

Vs.

1. The Assistant Executive Engineer,
TANGEDCO, Tharamangalam.
2. The Junior Engineer,
TANGEDCO, Nangavalli Post,
Mettur Taluk, Salem District
3. The Superintending Engineer,
Distribution Circle, TANGEDCO,
Mettur Dam.
4. Tamilselvi

...Respondents

Petition filed Under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents 1 to 3 not to disconnect service connection in Service Connection No. 1350081365, given in respect of D.No.5/170, Chinnasoragai Village, Mettur Taluk, Salem District.

For Petitioner : Mr.S.S.Raghavan

For Respondents : Mr.Syed Sibuthulla, SC, for R2
: Mr.P.M.Navaneetha Pandian, for R4



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ORDER

WEB COPY This Writ petition has been filed by the petitioner seeking to direct the respondents 1 to 3 not to disconnect service connection in Service Connection No.1350081365 in respect of D.No.5/170, Chinnasoragai Village, Mettur Taluk, Salem District.

2. The case of the petitioner is that, the petitioner and her family members are the absolute owner of the house property comprised in Old S.No.85/8, New S.No.139/4 situated at Chinnasoragai Village measuring an extent of 0.0082 sq.m and based on their possession and enjoyment, electricity Service connection has also been effected, vide service connection No.1350081365 and the petitioner is paying the electricity consumption charges without any default. In such circumstances, the legal heirs of one Rajamani, who is none other than the petitioner's vendor, made several illegal attempts to interfere with the possession and enjoyment of the petitioner over the subject property. Thereby, the petitioner's husband filed a suit in O.S.No.40 of 2022 and at the same time, the 4th respondent also filed a suit in OS.No.110 of 2022, claiming that there took place an oral partition among the legal heirs of the father of the petitioner's vendor and a sale deed came to be executed in favour



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of one Jagadeesan, from whom she purchased the above said property.

Pending the same, the 4th respondent approached the official respondents herein seeking to disconnect the electricity service connection, pursuant to which, the 1st respondent addressed a letter to the Tahsildar, Mettur Taluk to furnish certain documents in respect of the subject property and the copy of the said letter has been marked to the petitioner and the 4th respondent as well. Further, steps have been taken by the official respondents for disconnecting the service connection effected in the above said property. Hence, the petitioner has come up with this Writ petition.

3. Learned counsel for the petitioner submitted that, though the petitioner had stated all the above said facts to the official respondents, without considering the same and without considering the fact that, suits are pending in between the parties, the 1st respondent is threatening to disconnect the electricity service connection effected in the above said disputed property and the said act of the 1st respondent is wholly unsustainable. Accordingly, he prayed for appropriate orders restraining the respondents 1 to 3 not to disconnect service connection in the subject property.



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4. Learned Standing counsel appearing for the 2nd respondent submitted that, no application seeking disconnection of the electricity service connection effected in the above said disputed property is pending before the officials and no steps have been initiated by the official respondents for disconnection of the electricity service connection effected in the subject property.

5. On the above said contentions, heard learned counsel appearing for the 4th respondent and perused the material documents placed on record.

6. Though very many grounds have been raised by the learned counsel on either side, in view of the submission made by the learned Standing counsel appearing for the 2nd respondent that, no steps have been initiated by the official respondents for disconnection of the electricity service connection effected in the subject property, this Court is of the view no further adjudication is required in the present Writ petition.



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7. Recording the above submission made by the learned standing

counsel appearing for the 2nd respondent, this Writ petition stands closed.

However, liberty is granted to the petitioner to workout the remedy in the manner known to law, if any coercive steps are taken by the officials respondents against the petitioner in the future. No costs.

23.08.2024

skt

NCC : Yes/No

Index : Yes / No

Speaking Order : Yes / No

To

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M.DHANDAPANI, J.

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