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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.26092 of 2022
in WMP.No.33205 of 2022**

Dr.Sekar

.. Petitioner

Vs.

1. The Executive Engineer,
TANGEDCO, Thiruvarur,
Thiruvarur District.

2. The Junior engineer,
Tamil Nadu Electricity Board,
Kachanam Division,
Tiruvarur District.

3. Harihara Venkata Raman

4. S.J.Mohankumar
(R4 impleaded as per order dated 15.10.2024 in WMP.No.
33205 of 2022 in WP.No.26092 of 2022 by this Court.)

..Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 13.04.2022 by restoring the electricity connection to the petitioner's house at Tamaraipallam Village, Thirunelvellikaval Panchayat, Koothanallur Taluk, Thiruvarur District.

For Petitioner : Mr.R.Sankarasubbu
For Respondents : RR1 & 2 no appearance



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Mrs.R.Sumithra Chakravarthi R3
Mr.P.Dinesh Kumar R4

ORDER

This Petition has been filed seeking a direction to the respondents to consider the representation of the petitioner dated 13.04.2022 by restoring the electricity connection to the petitioner's house at Tamaraipallam Village, Thirunelvellikaval Panchayat, Koothanallur Taluk, Thiruvarur District.

2. It is the case of the petitioner that the petitioner is working as a Professor in the Medical College and his mother is in occupation of the house at Tamaraipallam Village, Thirunelvellikaval Panchayat, Koothanallur Taluk, Thiruvarur District. She made application for electricity connection and the same was not consider. Hence, the present writ petition.

3. The learned counsel for the petitioners submitted that this Court may direct the respondents to consider and pass orders on the petitioner's representation within the stipulated time as fixed by this court.

4. The learned counsel for the third respondent submitted that the



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third respondent is owner of the property. The petitioner is a stranger and he encroached the subject property and made application for issuance of electricity connection which is impermissible.

5. The learned counsel for the 4th respondent submitted that the 4th respondent is the owner of the subject property and he had already obtained a Will from his mother and the third respondent is a relative. The suit is pending between the 3rd and 4th respondent before the Civil Court.

6. Heard the learned counsel for the petitioners and the learned Counsel appearing for the respondents and perused the materials available on record.

7. The facts of the case are not in dispute. Since it is a dispute with regard to the subject properties in question, which is purely civil in nature, the petitioner has to approach the competent Forum to work out his remedy and not before this Court by way of a writ petition under Article 226 of the Constitution of India.



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8. Considering the fact and circumstances of the case, this Court, without going into the merits of the case, permit the petitioner to file a suit against the private respondents before the competent forum for establishment of his right over the subject properties. If the petitioner files a suit, the concerned Judge, shall decide the issue on merits, as expeditiously as possible. After disposal of the suits filed by the petitioner as well as the private respondents, the succeeding party shall make a fresh representation to the respondents for issuance of electricity connection.

9. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.10.2024

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To
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1. The Executive Engineer,
TANGEDCO, Thiruvarur,
Thiruvarur District.
2. The Junior engineer,
Tamil Nadu Electricity Board,
Kachanam Division,
Tiruvarur District.



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M.DHANDAPANI,J.

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W.P.No.26092 of 2022

15.10.2024