



WEB COPY



W.P.No.27306 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27306 of 2021
and
W.M.P.No.28818 of 2021

R.Sureshkumar

.... Petitioner

Vs

1.The Commissioner,
Corporation of Coimbatore,
Coimbatore 641 001, Tamil Nadu.

2.The Assistant Commissioner,
East Zone,
Corporation of Coimbatore,
Singanallur,
Coimbatore 641 005.

3.The Assistant Engineer,
Tamil Nadu Electricity Board,
Singanallur,
Coimbatore 641 005.

4.K.P.Selvaraj

5.Vanithamani

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to restore water connection and electricity service connection in respect of



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the properties comprised in Ka.Sa.Nos.99/1(Part), 2, 3, 6 and 8 to 10, Neelikonaampalayam, Coimbatore - 641 015, by considering the petitioner's representation dated 02.07.2019.

For Petitioner	: Mr.T.Deeraj for M/s.PV Law Associates
For R1 & R2	: Mr.K.Magesh Standing Counsel
For R3	: Mr.L.Jaivenkatesh
For R4 & R5	: No appearance

ORDER

This Writ Petition has been filed for a direction, directing the respondents 1 to 3 to restore the water connection and electricity service connection in respect of the property comprised in Ka.Sa.Nos.99/1(Part), 2, 3, 6 and 8 to 10, Neelikonaampalayam, Coimbatore - 641 015 (hereinafter referred to as “Subject Property”).

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner purchased the subject property through a registered sale deed dated 13.06.2013 and the lands were vacant at the



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time of purchase. After the purchase, the petitioner constructed buildings and he is in possession and enjoyment of the subject property. While being so, the petitioner availed a loan of Rs.32,00,000/- from the 4th and 5th respondents for the purpose of expanding his business. While borrowing the loan, the petitioner executed a sale deed in respect of the subject property in favour of the 4th and 5th respondents on 15.07.2016, which was done solely for the purpose of collateral security. However, the 4th and 5th respondents are now taking advantage of the same and making false claims over the subject property. Therefore, the petitioner remains in possession and enjoyment of the property and has filed a suit in O.S.No.395 of 2017 before the IV Additional District Court, Coimbatore seeking a bare injunction against the 4th and 5th respondents and also to set aside the sale deed dated 15.07.2016. The petitioner obtained an interim injunction in I.A.No.634 of 2017 and the suit is pending for trial.

4. Upon instructions from the 4th and 5th respondents, now the electricity and water service connections to the petitioner's property were disconnected by the 1st and 2nd respondents. Admittedly, the petitioner obtained an interim injunction as against the 4th and 5th



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respondents herein in I.A.No.634 of 2017 in O.S.No.395 of 2017, on the file of the IV Additional District Court, Coimbatore. The petitioner continues to be in possession and enjoyment of the subject property. Therefore, the respondents 1 to 3 ought not to have disconnected the water and electricity service connections, which were granted in favour of the petitioner. Subsequent to the sale deed executed in favour of the 4th and 5th respondents herein and on the objections raised by them, now the electricity and water service connections were disconnected.

5. The learned counsel appearing for the 4th and 5th respondents submitted that the suit is still pending for adjudication as against the 4th and 5th respondents herein. Further, the petitioner had executed a sale deed in favour of the 4th and 5th respondents on 15.07.2016. However, the petitioner is in possession and enjoyment of the subject property till today, in view of the interim injunction granted in his favour.

6. In view of the above, the respondents 1 to 3 are directed to restore the water and electricity service connections to the petitioner's property, comprised in Ka.Sa.Nos.99/1(Part), 2, 3, 6 and 8 to 10,



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Neelikonaampalayam, Coimbatore - 641 015, forthwith and it is subject

to the result of the suit in O.S.No.395 of 2017 on the file of the IV

Additional District Court, Coimbatore.

7. With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed.

No costs.

30.10.2024

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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To

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G.K.ILANTHIRAIYAN, J.

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