



W.P.No.31324 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.31324 of 2022

and

W.M.P.No.30767 of 2022

N.Shanmugham

Vs

.... Petitioner

1. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Perumanallur Road,
Mettupalayam Bus Stop,
Tiruppur.

2. The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Operation and Maintenance,
Kumar Nagar,
Tiruppur.

3. The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Sengapalli, Uthukuli Taluk,
Tiruppur.

4. V.K.Natarajan

5. V.N.Shanmugham @ V.N.Shanmughamsundaram Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondent Nos.2 to 3 to consider the petitioner representation dated 30.10.2022 in not to grant electricity service connection to the fifth respondent in respect of the property comprised in New S.No.54/1, Old S.No.89A situated at Muthampalayam Village, Uthukuli Panchayat Union, Tiruppur District.

For Petitioner : Mr.K.Mayilsamy

For R1 to R3 : Mr.L.Jai Venkatesh
Standing Counsel

For R4 to R6 : Mr.S.Kaithamalai Kumaran

ORDER

This Writ Petition has been filed for a direction directing the respondents 2 & 3 to consider the representation of the petitioner dated 30.10.2022 not to grant electricity service connection to the fifth respondent in respect of the property comprised in New S.No.54/1, Old S.No.89A situated at Muthampalayam Village, Uthukuli Panchayat Union, Tiruppur District (herein after referred to as “subject property”).

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



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3. The objections raised by the petitioner is on the ground that the petitioner purchased the subject property from the respondents 4 to 6 and entered into an agreement for sale. However, the condition of the agreement was not complied with by the respondents 4 to 6 and as such, the petitioner filed a suit for specific performance in O.S.No.83 of 2006 on the file of the Sub Judge, Erode. The same was transferred to the Sub Court, Tiruppur and renumbered as O.S.No.447 of 2013. Subsequently, it was transferred to the Sub Court, Avinashi and renumbered as O.S.No.36 of 2019 and the same was decreed by a Judgment and Decree dated 29.03.2022. The petitioner also filed an Execution Petition in E.P.No53 of 2022 and execution of sale deed was ordered. However, the respondents 4 to 6 filed an appeal suit in A.S.No.46 of 2022, which is pending on the file of the District Judge, Tiruppur. Therefore, the petitioner raised objections not to give any electricity service connection to the fifth respondent in respect of the subject property.

4. In view of the above, the respondents 2 and 3 are directed not to provide any electricity service connection to the fifth respondent



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for the subject property till the disposal of the appeal suit. The Appellate Court is directed to dispose of the appeal suit in A.S.No.46 of 2022 within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed.
No costs.

28.06.2024

Internet : Yes/No
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp

To

1. The Superintending Engineer,
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Perumanallur Road,
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Tiruppur.

2. The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Operation and Maintenance,
Kumar Nagar,
Tiruppur.



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3. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Sengapalli, Uthukuli Taluk,
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