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W.P.No.36803 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.36803 of 2024 and

W.M.P.No.39723 of 2024

A/m.Maha Mariamman Thirukovil
Rep. By its President of the Management Committee
M.R.Palanisamy
S/o.Late Ramasamy Gounder
Makkalpudur
Vempathi village,
Anthiyur Taluk,
Erode District

...Petitioner

Vs.

1. The Tamil Nadu Electricity Board
Rep. By its Chairman
TN Generation and Distribution Corporation Ltd.,
800, Anna Salai,
Chennai-600 006.
2. The Executive Engineer
TN Generation and Distribution Corporation Ltd.,
Operation and Maintenance
Bhavani, Erode District.
3. The Assistant Engineer
TN Generation and Distribution Corporation Ltd.,
Operation and Maintenance
Anthiyur South, Erode District.
4. P.Ashokan

1/6



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5. N.Kathirvel

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from granting Electricity Service connection to the 5th respondent in respect of the temple property measuring 1776 sq.ft bearing natham R.S.No.1041/11(old S.FNo.389/6)vempathi village, Anthiyur Taluk, Erode District, in view of the pendency of the suit in O.S.No.200 of 2024 on the file of the Ld.SubCourt, Bhavani between the petitioner and the respondents 4 and 5.

For Petitioner

: Mr.N.Manoharan

For respondents 1 to 3

: Mr.I.Syed Sibquthullaa
Standing Counsel (TNEB)

ORDER

The petitioner herein seeks issuance of a writ of mandamus forbearing the respondents from 1 to 3 from granting electricity service connection to 5th respondent in respect of property with an extent of 1776 Sq.feet situated in R.S.No.1041/11 (Old S.FNo.389/6) Vempathi village, Anthiyur Taluk, Erode District, by taking into consideration the pendency of the suit in O.S.No.200 of 2024 on the file of Sub-Court, Bhavani between the petitioner and the respondents 4 and 5.



2. It is the case of the petitioner that the above mentioned property belonged to Arulmigu Maha Mariamman temple and the petitioner is the head of the management committee of the said temple. The 4th respondent's mother one late Pachal was given accommodation in a portion of the above mentioned property by taking into consideration her services in the temple. It is further averred by the petitioner that 4th respondent had set up his sister and filed a suit in O.S.No.265 of 2019 on the file of Sub-Court, Bhavani for partition and separate possession against him in respect of the above mentioned temple lands and obtained collusive lok adalat award. In such circumstances, the petitioner filed a suit against respondents 4 and 5 and revenue officials in O.S.No.200 of 2024 on the file of Sub-Court, Bhavani seeking declaration of petitioner's title over the said property and for other consequential reliefs including the declaration that the lok adalat award obtained by the private respondents were null and void and also for injunction against the private respondents not to interfere with the petitioner's possession over the above mentioned property. The said suit is still pending disposal on the file of Sub-Court, Bhavani.



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3. Now, the petitioner has filed instant writ petition on the ground that private respondents are attempting to get electricity service connection in respect of above mentioned property. Even from the averments found in the writ affidavit and in the writ prayer, it is clear that comprehensive suit filed by the petitioner asserting its title and possession over the above mentioned property is pending on the file of the Sub-Court, Bhavani. In such circumstances, it is for the petitioner to work out its remedy in the pending civil litigation by seeking appropriate interim order against the private respondents. Therefore, this Court is not inclined to entertain the writ petition. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03.12.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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W.P.No.36803 of 2021.

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To

1. The Tamil Nadu Electricity Board
Rep. By its Chairman
TN Generation and Distribution Corporation Ltd.,
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2. The Executive Engineer
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Operation and Maintenance
Bhavani, Erode District.
3. The Assistant Engineer
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S.SOUNTHAR, J.
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