



WEB COPY



W.P.No.38041 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.38041 of 2024
and
W.M.P.No.41135 of 2024

Arumugam

... Petitioner

VS.

1.The Executive Engineer (O & M),
The Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Kurumbapatti, Edappadi Taluk,
Salem District.

2.The Assistant Executive Engineer (O & M),
The Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Edappadi, Salem District.

3.The Assistant Engineer (O & M),
The Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Edappadi, Salem District.

4.Allimuthu

5.Karumalai

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the Respondents 1 to 3 from providing the electricity service connection to the 4th and 5th Respondents to the property comprised in Survey No.18/5E situated at Sengankattuvalavu, Alachampalayam Post, Edappadi Village and Taluk, Salem District, till disposal of the suit in O.S.No.41 of 2024 on the file of the District Munsif-cum-Judicial Magistrate at Edappai, Salem District, by considering the petitioner's representation dated 12.11.2024, within the time to be stipulated by this Court.

For Petitioner : No Appearance

For R1 to R3 : Mr.I.Syed Sibghatulla
Standing Counsel (TNEB)

ORDER

When the writ petition is taken up for hearing, there is no representation for the petitioner.

2. The Writ Petition is filed seeking a writ of Mandamus, forbearing the respondents 1 to 3 from providing electricity service connection to respondents 4 and 5 in respect of the property in Survey No.18/5E situated at Sengankattuvalavu, Alachampalayam Post, Edappadi Village and Taluk, Salem District, till the disposal of O.S.No.41 of 2024 on the file of the



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District Munsif-cum-Judicial Magistrate, Edappadi, Salem District by considering the petitioner's representation dated 12.11.2024, within the time to be stipulated by this Court.

3. It is the case of the petitioner that subject property originally belongs to the father of the petitioner and respondents 4 and 5. The petitioner's father died leaving behind 5 sons and 2 daughters. The subject property has been in possession and enjoyment of all the children. It is the case of the petitioner that the respondents 4 and 5, who are only co-owners by using bogus document filed application before the Official Respondents seeking electricity service connection.

4. It is also pointed out by the petitioner that a suit for partition in respect of the subject property is pending in O.S.No.41 of 2024 on the file of the District Munsif-cum-Judicial Magistrate, Edappadi, Salem District. Therefore, the petitioner submitted a representation dated 12.11.2024 before the respondents 1 to 3 requesting them not to give electricity service connection in favour of the respondents 4 and 5. The same has not been considered. Hence, the petitioner has come before this Court.



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5. Even in the writ prayer, it is clear that a civil suit is pending between the parties in respect of the subject property. The respondents 4 and 5 are not stranger to the property, they are only co-owners. In these circumstances, it is for the petitioner to workout his remedy in the pending suit.

6. The prayer sought for the in the writ petition seeking prohibitory orders against the Official Respondents not to give electricity service connection in respect of the subject property pending disposal of the suit cannot be entertained, when the petitioner has got option of moving concerned Court seeking necessary interim orders.

7. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected writ miscellaneous petition is closed.

18.12.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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S.SOUNTHAR, J.

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