



W.A(MD)No.705 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.04.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE P.VADAMALAI**

**W.A(MD) No.705 of 2024
and
C.M.P(MD)No.5296 of 2024**

1.Valarmathy
2.Mrs.Jothipriya
3.Anupriyanga

... Appellants 1 to 3/Respondents 5, 6 and 7

Vs.

1.N.Yogambal

... 1st Respondent/writ petitioner

2.The Executive Engineer,
(Operations & Maintenance),
TANGEDCO,
East Trichy,
Trichy District.

3.The Assistant Executive Engineer,
Operations & Maintenance,
TANGEDCO,
Thiruverumbur,
Trichy.

4.The Junior Engineer,
(Operations & Maintenance),
TANGEDCO,
Ariyamangalam,
Trichy.



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5.R.Sasi Kumar,
Assistant Executive Engineer,
Operations & Maintenance,
TANGEDCO,
Thiruverumbur,
Trichy.

... Respondents 2 to 5/Respondents 1 to 4

Prayer: Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 20.03.2024 made in W.P(MD)No.3797 of 2024.

For Appellants	:Mr.B. Jameel Arasu
For R-1	:Mr.K.P.Krishnadoss
For R-2 to R-4	:Mr.S.Deenadhayalan

JUDGMENT

(Judgment of the Court was delivered by N.SESHASAYEE, J.)

The appellants herein challenge the order of the learned Single Judge dated 20.03.2024 made in W.P(MD)No.3797 of 2024. The writ petition was filed by the first respondent herein to direct the authorities of the TANGEDCO to restore the electricity supply connection for Consumer No.06-230-002-1813.

2. Outlining the case of the appellants, the learned counsel for the appellants submitted that the first appellant is the widow of the first respondent's brother, and there are as many as six civil suits pending between the parties vis-a-vis the properties that stand in the name of the first appellant's husband. It is in these



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circumstances, the first respondent had approached the TANGEDCO for securing electricity connection for a certain property and on sensing it, the first appellant had approached this Court in W.P(MD)No.19908 of 2017.

3. The learned Single Judge vide his order, dated 30.10.2017, took note of the pending civil suits and disposed of the writ petition with a direction to maintain status-quo. However, the TANGEDCO appears to have provided the electricity supply to the first respondent under the Consumer No.06-230-002-1813 referred to above. For breaching the earlier order passed by this Court in W.P(MD)No.19908 of 2017, the appellant had preferred the contempt petition in Cont.P(MD)No.68 of 2019.

4.1 In the contempt petition, the respondent therein (officials of the TANGEDCO) had informed the Court about the communication of the Junior Engineer, Operation and Maintenance – TANGEDCO, Thiruverambur, Trichirappalli, dated 15.08.2020, to the effect that the case of the parties had informed him that he needed to take up the issue after the disposal of the civil proceedings. Recording the same, the learned Single Judge had closed the contempt petition.



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4.2 All the same the Assistant Executive Engineer of TANGEDCO had passed the proceedings dated 29.01.2024 through which both the appellants and the first respondent herein were informed about the restoration of status-quo ante, which implies that the electricity service connection provided in the name of the first respondent came to be cancelled. This came to be challenged by the first respondent in W.P(MD)No.3797 of 2024.

5. In the meantime, after passing of the order in W.P(MD)No.19908 of 2017 and before the filing of the contempt petition, the first appellant had laid a suit in O.S.No.229 of 2018 before the District Munsif Court, Tiruchirappalli, for a decree of prohibitory injunction to restrain the TANGEDCO from providing electricity connection in the name of the first respondent. In the very suit, the first appellant herein had taken up I.A.No.234 of 2018 for an identical interim relief. The Principal District Munsif vide his order dated 13.04.2018 has dismissed I.A.No.234 of 2018. On the strength of the order passed in I.A.No. 234 of 2018, the first respondent had approached the authorities and followed it up with W.P(MD)No.3797 of 2024.

6. In his order dated 20.03.2024, the learned Single Judge had taken note of the order passed in I.A.No.234 of 2018 in O.S.No.229 of 2018 and directed the first



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respondent to make a fresh application to provide connection in her name. This order is now under challenge in this writ appeal.

7. This Court is informed that the six suits pending between the parties since have been consolidated and are now pending before the II Additional District Court, Trichirappalli and are ready for trial. It is further informed that one of the issues involved in one of the suits relates to actual physical possession of the property in relation to which the electricity service connection is now sought.

8. It is now made clear that providing electricity connection to the 1st respondent to a property which is the subject matter in a suit by itself will not have any bearing on the civil Court coming to an independent conclusion vis-a-vis the title or possession of the property. These are issues which only a civil court can decide and it has to be adjudicated on other evidence. It needs to be borne in mind that the 1st respondent had obtained an advantage not based on any pronouncement on the title or possession of the property, but based purely on the order of the learned Single Judge who had relied on an interim order of the trial court and a decree in the said suit.



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9. This writ appeal is accordingly disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

(N.S.S., J.)

(P.V.M., J.)

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Index:Yes/No

NCC:Yes/No

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