



W.P.(MD)No.11512 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.11512 of 2024
and W.M.P.(MD)Nos.10257, 10258 of 2024

N.Kannan

... Petitioner

Vs

1. The Panchayat President,
Cholapuram Panchayat, Sivagangai Taluk,
Sivagangai District.
2. The Assistant Engineer,
TANGEDCO, Nattarasankottai,
Kalaiyarkovil Taluk, Sivagangai District.
3. The Assistant Executive Engineer,
Kalaiyarkovil TANGEDCO,
Sivagangai District.
4. M.Banumathi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1st Respondent consider petitioner's representation, dated 17.04.2024 and consequently restrain the 1st Respondent from assessing the property tax in favour of the 4th respondent and also directing the 2nd and 3rd Respondents to consider petitioner's



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representation, dated 17.04.2024 and consequently restrain the 2nd and 3rd respondents from giving permanent electricity connection in favour of the 4th respondent till the disposal of the suit in O.S.No.137/2023 on the file of District Munsif Court, Sivagangai.

For Petitioner : Mr. J.Alaguram Jothi

For Respondents : Mr.D.Gandhiraj (R1)
Special Govt. Pleader

Mr.S.Srinivasa Ragavan (R2,R3)
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the 1st respondent to consider petitioner's representation, dated 17.04.2024 and consequently to restrain the 1st Respondent from assessing the property tax in favour of the 4th respondent and also directing the 2nd and 3rd Respondents to consider petitioner's representation, dated 17.04.2024 and consequently to restrain them from giving permanent electricity connection in favour of the 4th respondent till the disposal of the suit in O.S.No.137/2023, on the file of District Munsif Court, Sivagangai.

2. The grievance of the petitioner is that the 4th respondent has encroached upon the land of the petitioner and put up construction. In this regard,



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a suit has been filed by the petitioner in O.S.No.137 of 2023, on the file of District Munsif Court, Sivagangai. During the pendency of the suit, the 4th respondent has constructed a building and completed the same. Hence, the petitioner seeks the authority not to grant any service connection and also from assessing the property tax to the building.

3.At the outset, such a prayer cannot be granted to the parties. The right of the parties will be decided in the civil Court. All the private dispute cannot be converted as a public right to invoke the extraordinary jurisdiction under Article 226 of Constitution of India. Let the Authorities concerned shall decide the issue as per the decision of the Civil Court.

4.With the above observations, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

05.08.2024

NCC : Yes/No
Index : Yes/No
PNM



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