



W.P.(MD)N.18750 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06/08/2024

CORAM

The Hon'ble Mr.Justice N.SATHISH KUMAR

WP(MD)No.18750 of 2024

M.Baskaran

... Petitioner

Vs

1. The Chairman,
TANGEDCO,
No.800, Anna Salai,
Chennai - 600 002.

2. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Nagercoil.

3. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation,
Distribution Circle,
Moolachal, Thuckalay,
Kanyakumari District.

4. M.Dhasan

5. M.Raj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to provide electricity connection to the petitioner's house situated in Survey



W.P.(MD)N.18750 of 2024

No. 510/7 at Kothanallur Village, Kalkulam Taluk, Kanyakumari District

by considering the petitioner's application dated 26.05.2023 within the time frame fixed by this Court.

For Petitioner : Mr.C.Prithviraj

For R1 to R3 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

With consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3. The brief facts of the case is that the property comprised in Survey No.510/7 (Old SurveyNo.3118) measuring about 17 cents situated at Kothanallur Village, Kalkulam Taluk, Kanyakumari District originally belonged to one Kumara Pillai and he has constructed a house bearing Door No.23/51A. Thereafter, the property was transferred to one Sri Kumaran vide git deed dated 25.06.1990. After the demise of the said Kumaran his legal heirs inherited the property and sold it to the petitioner vide registered sale deed dated 13.09.2017. The petitioner applied a



W.P.(MD)N.18750 of 2024

building plan approval from Kothanallur Town Panchayat and obtained the same and started constructing a house in the above land and property tax was also assessed in his favour. Further, he made an application to the third respondent on 26.05.2023 for electricity connection. At that time, the 4th and 5th respondents filed a Civil Suit in O.S.No.6 of 2020 on the file of the District Munsif Court, Padmanabapuram and also obtained an interim injunction against the petitioner in I.A.No.2 of 2020 dated 22.04.2021, not to erect electric pole in Survey No.510/9A2 measuring about 1 cent. Aggrieved over the same, the petitioner preferred a Civil Revision Petition in C.R.P(MD)No.1147 of 2021 before this Court and the same was dismissed. Thereafter, an appeal in C.M.A.No.2 of 2023 was preferred by the petitioner before the Principal Subordinate Judge, Padmanabapuram and the same is pending. Hence, according to the petitioner, Survey No.510/9A2 is public pathway maintained by the Kothanallur Town Panchayat.

4. Considering the above aspects, this Court is of the view that the Civil Court fairly satisfied with the arguments in the suit and granted injunction against the writ petitioner. Now the same argument that the said property is the public property to erect electric pole cannot be once



W.P.(MD)N.18750 of 2024

again placed before this Court. If such contention of the petitioner is entertained in this writ petition, in fact, virtually amounting to interfere the very suit itself and granting the entire relief to the petitioner even without being proper trial before the Civil Court. Hence, I do not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No Costs. The petitioner is at liberty to work out his remedy in the pending suit.

06.08.2024

NCC : Yes / No
Index : Yes / No
PJM



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W.P.(MD)N.18750 of 2024

N.SATHISH KUMAR , J.

PJL

W.P.(MD)No.18750 of 2024

06.08.2024