



W.P.(MD) No.2454 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.2454 of 2018

Dasayyan

... Petitioner

/vs./

- 1.The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
Nagercoil,
Kanyakumari District.
- 2.The Executive Engineer (Distribution),
Kuzhithurai Division,
Kuzhithurai 629 153,
Kanyakumari District.
- 3.The Assistant Executive Engineer (Distribution),
Pudukkadai Sub Division,
Pudukkadai 629 171,
Kanyakumari District.
- 4.The Assistant/Junior Engineer (Distribution),
Siluvaipuram,
Kollemcode Post,
Kanyakumari District.

5.Marthal

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to cancel the EB Service connection granted in favour of the 5th respondent for a portion of land in Sy.No. 123/1 Kollemcode village, Vilavancode Taluk, Kanyakumari District as per the representation dated 22.03.2017 of the petitioner within a time frame fixed by this Court.

For Petitioner : Mrs.J.Anandhavalli

For R1 & R2 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondent to cancel the EB Service connection granted in favour of the fifth respondent for a portion of land in S.No.123/1, Kollemcode village, Vilavancode Taluk, Kanyakumari District by considering the petitioner's representation dated 22.03.2017.

2.The petitioner has a private dispute with the fifth respondent. It appears that the petitioner had filed O.S.No.3 of 2005 for permanent injunction, which



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came to be dismissed by the trial Court. Therefore, the petitioner had filed A.S.No.56 of 2008, which also appears to have been dismissed by the first appellate Court, against which the petitioner is in appeal before this Court in S.A. (MD) No.239 of 2018.

3. Therefore, the petitioner cannot ask for disconnection of the EB service granted to the fifth respondent. Any such action will be subject to the outcome of the second appeal, which is purportedly pending before this Court at the behest of the petitioner in S.A.(MD) No.239 of 2018.

4. Accordingly, the Writ Petition stands dismissed as premature. No costs.

Index : Yes / No
Internet : Yes / No
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