



W.P.(MD) No.21092 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.21092 2024

Mohammed Haroon

...Petitioner

-VS-

1.The District Superintendent Engineer,
Tamil Nadu Electricity Board,
Thiruppathur Town, Sivagangai District.

2.Hyther Ali Ambalam
3.Akbar Ali Ambalam

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the first respondent to consider the representation dated 27.07.2024 and to cancel the electricity connection granted to the second respondent based on the forged documents.

For Petitioner

: Mr.E.Mohammed Abbas

For R1

: Mr.S.Deenadhayalan
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking a direction to the first respondent to consider the representation dated 27.07.2024 and to

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cancel the electricity connection granted to the second respondent based on the forged documents.

2.Mr.S.Deenadhayalan, learned Standing Counsel takes notice for the first respondent. Considering the nature of order proposed to be passed in this writ petition, notice to the second and third respondents is dispensed with.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.The grievance expressed by the petitioner is that the the property originally belonged to him. However, the second respondent created some forged documents and claimed right over the subject property. In this regard a suit in O.S.No.29 of 2022 has also been filed and the same is pending. In the meanwhile, the second respondent filed a writ petition in W.P.No.20029 of 2022 seeking electricity service connection based on the forged documents and obtained an order in his favour. Based on the same, the second respondent obtained electricity service connection in



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his name. Hence, the petitioner has made a representation before the first respondent to cancel the electricity service connection granted to the second respondent. Since the same was not considered, the petitioner has filed this writ petition.

5.The learned Standing Counsel for the first respondent, on instructions, submitted that there is a title dispute between the petitioner and the second respondent in respect of the subject property and the same is pending in O.S.No.29 of 2022 on the file of the District Munsif Court, Thirupathur. When the title dispute between the parties is pending before the competent civil Court, the first respondent has no power to consider the representation of the petitioner as the first respondent has no authority to go into the title dispute.

6.Admittedly, a suit is O.S.No.29 of 2022 with regard to the title of the property between the parties is pending before the competent civil Court. Without deciding the title, merely based on the representation submitted by the petitioner, the electricity service connection already granted to the petitioner cannot be disconnected. It is for the petitioner



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to work out his remedy before the civil Court in the pending suit.

Accordingly, this writ petition is dismissed. No costs.

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Index : Yes / No

Internet : Yes / No

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To

The District Superintendent Engineer,
Tamil Nadu Electricity Board,
Thiruppathur Town, Sivagangai District.



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N.SATHISH KUMAR, J.

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