



W.P(MD)No.15901 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.15901 of 2015

S.Rajendran

... Petitioner

Vs

1.The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Northern Region,
Kariapatti,
Virudhunagar District.

2.Chellathurai

3.Lingadurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to disconnect the service connection in S.C.No. 148 given in the name of the respondents 2 and 3 in respect of the property situated in Survey Nos.23/5 and 28/7, near Oadathur -Nachiyaienthal, Veeranenthal Group, Sivagangai District, based on the petitioner's representation, dated 11.08.2015.



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For Petitioner : Mr.G.Mohankumar
For R1 : Mr.S.Deenadhayalan
Standing Counsel
For R2 & R3 : No appearance

ORDER

A property situated in Survey Nos.23/5 and 28/7, near Oadathur-Nachiyarenthal, Veeranenthal Group, Sivagangai District is the petitioner's ancestral property and the patta stands in the name of the petitioner's father and his brothers, namely, Chelladurai and Lingadurai/the respondents 2 & 3 herein. After the demise of the petitioner's father, the respondent 2 & 3 have obtained an electricity service connection for the property in S.No.23/5 and 28/7 in the year 2015 and on knowing that, the petitioner has submitted a representation on 11.08.2015 that he is also having a share in the property and he has also filed a civil suit. The petitioner has filed this writ petition for a Mandamus to cancel the electricity service connection granted to the respondents 2 & 3, which was obtained without his consent.

2.The learned counsel appearing for the petitioner



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submits that the petitioner is having a share in the subject property along with the respondents 2 & 3. He has also filed a civil suit in O.S.No.76 of 2013, before the Sub Court, Aruppukottai for the relief of partition and also obtained a preliminary decree, dated 19.02.2016. According to the learned counsel, final decree is yet to be passed. As per the preliminary decree, the petitioner is having a share in the subject property.

3.Though notice was ordered to the respondents 2 & 3, they have not entered appearance in this writ petition.

4.Since there is no representation for the respondents 2 & 3 and also considering the fact that the petitioner has filed a civil suit and also obtained a preliminary decree in O.S.No.76 of 2013, this Court, without expressing anything on the merits of the claim made by this petitioner, disposes of this writ petition with a liberty to the petitioner to approach the first respondent within a period of two weeks from the date of receipt of a copy of this order and produce the preliminary decree passed by the competent civil Court. The first



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respondent shall pass necessary orders after providing an opportunity of hearing to the respondents 2 & 3 within a period of twelve weeks from there on. No costs.

03.01.2024

NCC: Yes/No

Index: Yes/No

Internet: Yes

vrn

To

The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
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B.PUGALENDHI, J.

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