



WP (MD) No.20443 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.20443 of 2015 and
MP(MD) No.1 of 2015

Palthurai

... Petitioner

Vs

- 1.The Superintending Engineer, (Distribution),
Tamilnadu Generation and Distribution Corporation,
(TANGEDCO),
K.Pudur, Madurai-7.
- 2.The Divisional Engineer (Distribution)
Tamilnadu Generation and Distribution Corporation,
(TANGEDCO),
Usilampatti Division,
Usilampatti,
Madurai Dist.
- 3.The Assistant Engineer, (Distribution),
Tamilnadu Generation and Distribution Corporation, (TANGEDCO),
Uthappanayakkanur, Usilampatti Taluk,
Madurai Dist.



WP (MD) No.20443 of 2015

4.The Tahsildar,
Usilampatti Taluk,
Madurai District.

5.Paraman

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings in க.எண்.உமிபொ/வி/உதா/கோ கட்டு/அ.எண்.167/15/நாள் 11.11.2015 and quash the same as illegal and to direct the respondents 1 to 3 to restore the electricity connection to the service in S.C.No. 179-001-37 of the petitioner's land in Survey No.208/1 of Nadupatti Village, Usilampatti Taluk, Madurai District.

For petitioner	: Mr.D.Malaichamy
For R1 to R3	: Mr.S.Deenadayalan Standing Counsel
For R4	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R5	: Mr.J.Barathan

ORDER

As against the order passed by the respondent TANGEDCO, disconnecting the agricultural service connection of this petitioner, this writ petition was filed in the year 2015.



WP (MD) No.20443 of 2015

2.The case of the petitioner is that the petitioner's vendor

namely Ayyavu @ Ayyar Thevar has purchased a property in S.No. 208/1 of Nadupatti Village in the year 1960 and he has also obtained an agricultural electricity service connection on 25.12.1965. Thereafter, the petitioner has purchased the above property in the year 1994 from the said Ayyavu @ Ayyar Thevar. At the instance of one Paraman/the fifth respondent, the second respondent TANGEDCO has attempted to disconnect the service connection of this petitioner and therefore, this petitioner has filed a suit as against the TANGEDCO and the fifth respondent before the District Munsif Court, Usilampatti in O.S.No. 254 of 2014 and in that suit, both the TANGEDCO and the fifth respondent have entered appearance and filed their written statements. Pending the suit, the second respondent has passed the impugned order, disconnecting the agricultural service connection of this petitioner and therefore the petitioner has filed this writ petition in the year 2015.



WP (MD) No.20443 of 2015

3.The learned counsel appearing for the second respondent

TANGEDCO submits that the fifth respondent has raised certain objections that the petitioner has obtained the electricity service connection by quoting a wrong survey number and therefore the service connection was disconnected. However, pursuant to the interim order passed by this Court in WMP(MD) No.1 of 2015, dated 09.12.2015, the service connection has now been restored.

4.The learned counsel appearing for the fifth respondent

submits that this petitioner by quoting a wrong survey number has obtained the electricity service connection in a water body. An Advocate Commissioner has been appointed in the application filed in I.A.No.603 of 2016 in O.S.No.254 of 2014 by the learned District Munsif cum Magistrate, Usilampatti to verify the survey number, where, the electricity service connection is in existence. Challenging that order, the petitioner has filed a Civil Revision Petition CRP(MD)



WP (MD) No.20443 of 2015

No.2325 of 2017, which came to be dismissed on 21.02.2022. The Advocate Commissioner in his report has stated that the electricity service connection is not in the petitioner's property.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner's vendor was provided with an agricultural electricity service connection in the year 1965. The petitioner has purchased the property in the year 1994. The issue was arose in the year 2014. The petitioner has filed a suit before the District Munsif Court as against TANGEDCO and the fifth respondent in O.S.No.254 of 2014, wherein, an Advocate Commissioner was appointed to ascertain the ground reality. The Advocate Commissioner has filed a report stating that the electricity service connection is not in existence in the petitioner's property. It appears that the suit is pending for the



WP (MD) No.20443 of 2015

past 10 years.

7.In view of the above and in order to give quietus to this issue, this writ petition is disposed of with a direction to the learned District Munsif, Usilampatti to try the suit in O.S.No.254 of 2014 on day today basis and conclude the same within a period of three months from the date of receipt of a copy of this order. The interim protection provided to this petitioner by restoring the electricity service connection shall remain in tact till the disposal of the suit. The parties shall work out their remedy on the outcome of the suit. No costs. Consequently, connected Miscellaneous Petition is closed.

18.03.2024

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



WP (MD) No.20443 of 2015

To
WEB COPY

- 1.The District Munsif Court, Usilampatti.
- 2.The Superintending Engineer, (Distribution),
Tamilnadu Generation and Distribution Corporation,
(TANGEDCO),
K.Pudur, Madurai-7.
- 3.The Divisional Engineer (Distribution)
Tamilnadu Generation and Distribution Corporation,
(TANGEDCO),
Usilampatti Division,
Usilampatti,
Madurai Dist.
- 4.The Assistant Engineer, (Distribution),
Tamilnadu Generation and Distribution Corporation, (TANGEDCO),
Uthappanayakkanur, Usilampatti Taluk,
Madurai Dist.
- 5.The Tahsildar,
Usilampatti Taluk,
Madurai District.



WEB COPY



WP (MD) No.20443 of 2015

B.PUGALENDHI, J.

vrn

Order made in
WP(MD)No.20443 of 2015 and
MP(MD) No.1 of 2015

18.03.2024