



W.P.(MD) Nos.24277 of 2018 & 8343 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.24277 of 2018 & 8343 of 2019
and
W.M.P.(MD)No.1999 of 2020**

In W.P.(MD)No.24277 of 2018:

K.Ammakkannu

... Petitioner

Vs.

1.The Executive Subdivisional Magistrate/
Revenue Divisional Officer,
Sivagangai.

2.The Block Development Officer, (Village Panchayats)
Kalaiyar Kovil Taluk,
Sivagangai.

3.The Tahsildar,
Kalaiyar Kovil Taluk,
Sivagangai.

4.The Inspector of Police,
Kalaiyar Kovil Police Station,
Sivagangai.

5.Paulchamy,



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6.Udayathevan.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 2nd respondent to cancel the building plan approval dated 14.12.2017 granted to the 6th respondent to construct a house in survey No.288/1, situated in Palkulam Group, Maravanmangalam Village, Kalaiyar Kovil Taluk, Sivagangai in view of the order passed by the 2nd respondent in his proceedings in Na.Ka.P3/138/2017 dated 22.12.2017, Na.Ka.P3/1027/2017 dated 10.01.2018 & 22.01.2018.

For petitioner : Mr.N.Sathish Babu

For respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3
Mr.S.Manikandan
Government Advocate (Crl.Side) for R4
Mr.J.Jeyakumaran for R6

In W.P.(MD)No.8343 of 2019:

P.Udayathevan

... Petitioner

Vs.

1.The Executive Engineer,
Tamilnadu Electricity Board,
Sivagangai.

2.The Assistant Engineer,
Tamilnadu Electricity Board,
Maravamangalam,
Sivagangai.



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3.The Block Development Officer,
Kalaiyarkovil Taluk,
Sivagangai.

4.Amma kannu.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 1st and 2nd respondents to provide electricity connection in respect of the petitioner's house in door No.288/1, Annanagar, Maravamangalam Village, Sivagangai, without insisting House tax receipt from the 3rd respondent.

For petitioner : Mr.J.Jeyakumaran

For respondents : Mr.S.Deenadhayalan
Standing Counsel for R1 & R2
Mr.S.P.Maharajan
Special Government Pleader for R3
Mr.N.Sathish Babu for R4

COMMON ORDER

By this common order, these two Writ Petitions have been disposed of.

In W.P.(MD) No.24277 of 2018, the petitioner has prayed for the following relief:

“To direct the 2nd respondent to cancel the building plan approval dated 14.12.2017 granted to the 6th respondent to construct a house in survey No.288/1, situated in Palkulam Group, Maravanmangalam Village, Kalaiyar Kovil Taluk, Sivagangai in view of the order passed by the 2nd respondent



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*in his proceedings in Na.Ka.P3/138/2017 dated 22.12.2017,
Na.Ka.P3/1027/2017 dated 10.01.2018 & 22.01.2018”*

2. Against the petitioner, the sixth respondent, in turn, has filed W.P.
(MD)No.8343 of 2019 for the following relief:

“To direct the 1st and 2nd respondents to provide electricity connection in respect of the petitioner’s house in door No.288/1, Annanagar, Maravamangalam Village, Sivagangai, without insisting House tax receipt from the 3rd respondent.”

3. There was a pending dispute between the petitioner in W.P.(MD)No. 24277 of 2018 and the petitioner in W.P.(MD)No.8343 of 2019 in O.S.No.135 of 2010 before the District Munsif Court, Sivagangai for permanent injunction to restrain the defendants from in any manner interfering with the peaceful possession and enjoyment of the property. The suit was dismissed on 02.06.2014, against which the petitioner in W.P.(MD)No.24277 of 2018 had filed A.S.No.7 of 2017 before the Sub-Court, Sivagangai.

4. The sixth respondent in the above Writ Petition (petitioner in W.P. (MD)No.8343 of 2019) was the fourth respondent and fourth defendant in the



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Appeal Suit and the Suit, respectively.

5. Today, when the matter is taken up for hearing, the learned Special Government Pleader for the official respondents/respondents 1 to 3 in W.P. (MD)No.24277 of 2018/third respondent in W.P.(MD)No.8343 of 2019 had produced a copy of the judgment and decree in A.S.No.7 of 2017 passed on 16.06.2023, wherein the Appeal Suit has been dismissed.

6. It is not clear whether the petitioner has chosen to file further appeal in order to secure further orders from the Appellate Court. Therefore, the question of granting Mandamus to the petitioner in W.P(MD)No.24277 of 2018 cannot be countenanced. Hence, this Writ Petition is liable to dismissed without prejudice to the rights of the petitioner to work out her remedy before the Appellate Forum.

7. As far as the relief in W.P(MD)No.8343 of 2019 is concerned, I see no impediment of granting relief as the petitioner is the legitimate owner of the property. Therefore, the respondents are directed to grant E.B connection as prayed for within a period of four weeks from the date of receipt of a copy of this



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order. This connection will be given without prejudice to the rights of the petitioner in W.P.(MD)No.24277 of 2018.

This Writ Petition is disposed of, with above directions. No costs.
Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

20.06.2024

To

1.The Executive Subdivisional Magistrate/
Revenue Divisional Officer,
Sivagangai.

2.The Block Development Offier, (Village Panchayats)
Kalaiyar Kovil Taluk,
Sivagangai.

3.The Tahsildar,
Kalaiyar Kovil Taluk,
Sivagangai.

4.The Inspector of Police,
Kalaiyar Kovil Police Station,
Sivagangai.

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C.SARAVANAN, J.

apd

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