



W.P.(MD)No.21633 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.21633 of 2024
and WMP(MD) No.18276 of 2024

S.Saravanakumar

... Petitioner

Vs

1. The Superintending Engineer,
Madurai Electricity Distribution Circle,
The Tamil Nadu Generation and
Distribution Corporation Limited,
Madurai.

2. The Assistant Director,
Electricity Connection,
The Tamil Nadu Generation and
Distribution Corporation Limited,
Madurai District.

3. Mariammal @ Maheswari

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection order passed by the 2nd respondent dated 11.07.2024 and set-aside the same as illegal and further direct the 2nd respondent to provide electricity connection to the petitioner's Thatched House by considering the petitioner's application.



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For Petitioner : Mr.K.Sivabalan
For Respondents : Mr.S.Deenadhayalan (R1,R2)
Standing Counsel
Mr.G.Thiruvart Selvam (R3)

ORDER

This Writ Petition has been filed challenging the impugned rejection order passed by the 2nd respondent dated 11.07.2024 and to direct the 2nd respondent to provide electricity connection to the petitioner's Thatched House.

2.Heard Mr.K.Sivabalan, learned counsel appearing for the petitioner, Mr.S.Deenadhayalan, learned Standing Counsel appearing for R1, R2 and Mr.G.Thiruvart Selvam, learned counsel appearing for R3. Perused the materials available on record.

3.It is the case of the petitioner that the petitioner is in possession of the Survey No.23/4. He has purchased the property from one Jeyaraman. Hence, he has applied for electricity connection and the same has been rejected.

4.The learned counsel for the third respondent submitted that the subject property in S.No.23/4 is the subject matter in O.S.No.345 of 2004 on the



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file of District Munsif Court, Melur, which has been filed for the relief of declaration and permanent injunction as against four defendants. During the pendency of the writ petition, the subject property has been sold to one Jeyaraman by the first defendant/Selvi. The petitioner has purchased the said property from the said Jeyaraman, whereas, the Civil Court has granted declaration in favour of the third respondent and granted decree for permanent injunction and held that the subsequent sale is not valid, in view of doctrine of *lis pendens*. Hence, the petitioner, who purchased the said property from the person, who has no title, cannot seek any title, since the civil Court decree is in favour of the third respondent.

5.This Court perused the decree and Judgment in O.S.No.345 of 2004. It clearly shows that the third respondent is in possession of the property and permanent injunction has also been granted in his favour. The writ petitioner's vendor is a *lis pendens* purchaser. Hence, such sale did not convey any title to the petitioner. Though it is submitted by the learned counsel for the petitioner that against the said decree in O.S.No.345 of 2004, an appeal has been filed before the Sub Court (Camp), Melur, Madurai District in A.S.No.71 of 2019 is pending, no interim orders have been passed.



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6.In such view of the matter, let the petitioner take steps to dispose of the appeal expeditiously. Even if he succeed in the appeal, he can revive his application seeking electricity connection. At this stage, this Court is not inclined to interfere with the rejection order passed by the 2nd respondents.

7.Accordingly, this writ petition stands dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

30.09.2024

NCC : Yes/No

Index : Yes/No

PNM

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N.SATHISH KUMAR, J.

PNM

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