



W.P(MD)No.21542 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21542 of 2023

and

W.M.P(MD)Nos.17945 of 2023 & 2282 of 2024

Vennila

... Petitioner

Vs.

- 1.The Superintendent Engineer,
TANGEDCO (TNEB),
Sivagangai,
Sivagangai District.
- 2.The Executive Engineer – Distribution,
TANGEDCO (TNEB),
Tiruppur Division,
Sivagangai District.
- 3.The Assistant Engineer (Rural – South),
TANGEDCO (TNEB),
Tiruppur Taluk,
Sivagangai District.
- 4.The President,
Muraiyur Village Panchayat,
Singampunari Taluk,
Sivagangai District.



W.P(MD)No.21542 of 2023

5.Marget Dhanam

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in relation to the impugned order in Ka.No.Se.Po/Pa/Tiru/Tho.Nu.Vu./Ko.Kattu/A.No.925/2023 dated 23.08.2023 in relation to petitioner's Electricity Service Connection No. 477-019-1616 on the file of the second respondent and quash the same as illegal.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.S.Deenadhalyalan
Standing Counsel for R.1 to R.3

Mr.M.Lingadurai
Special Government Pleader for R.4

Mr.C.Prithvi Raj for R.5

ORDER

Heard both sides.

2.The petitioner and the fifth respondent are sisters. The petitioner challenges the impugned communication dated 23.08.2023 issued by the second respondent proposing disconnection of electricity service.



W.P(MD)No.21542 of 2023

3.The learned counsel appearing for the petitioner has fairly enclosed copy of the plaint in O.S.No.35 of 2023 on the file of District Munsif Court, Singampunari. The said suit was filed by the writ petitioner herein. The prayer in the suit is for restraining TANGEDCO from effecting disconnection. Merely because during the pendency of the said suit, the impugned notification came to be issued that will not entitle the petitioner to file the writ petition before this Court.

4.As rightly pointed out by the learned Standing Counsel appearing for TANGEDCO as well as the learned counsel appearing for the fifth respondent, the present writ petition is clearly not maintainable. However, taking note of the over all facts and circumstances of this case, I permit the petitioner to file an Interlocutory Application in O.S.No.35 of 2023 on the file of District Munsif Court, Singampunari for restraining TANGEDCO from giving effect to the impugned communication dated 23.08.2023.

5.The learned counsel appearing for the petitioner states that such an Interlocutory Application will be filed within ten days from the date of



W.P(MD)No.21542 of 2023

receipt of a copy of this order. If such an Interlocutory Application is filed, it will be numbered immediately and disposed of as expeditiously as possible. Till the Interlocutory Application is disposed of, TANGEDCO shall not give effect to the impugned communications. I make it clear that I have not gone into the merits of the matter. It is entirely for the trial Court to take a call in the matter. The contentions of both the parties are left open.

6. With the aforesaid liberty to the writ petitioner and restraining TANGEDCO in the aforesaid terms, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

NOTE: Issue Order Copy on 01.03.2024.

To
1. The Superintendent Engineer,
TANGEDCO (TNEB),
Sivagangai, Sivagangai District.

4/6



W.P(MD)No.21542 of 2023

2.The Executive Engineer – Distribution,
TANGEDCO (TNEB),
Tiruppur Division,
Sivagangai District.

3.The Assistant Engineer (Rural – South),
TANGEDCO (TNEB),
Tiruppur Taluk,
Sivagangai District.

4.The President,
Muraiyur Village Panchayat,
Singampunari Taluk,
Sivagangai District.

Copy to:

The District Munsif Court, Singampunari.



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W.P(MD)No.21542 of 2023

G.R.SWAMINATHAN, J.

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W.P(MD)No.21542 of 2023

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