



W.P.(MD).Nos.23133 & 23190 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2024

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD).Nos.23133 & 23190 of 2018

and

W.M.P(MD)Nos.21019 & 21070 of 2018

W.P(MD)No.23133 of 2018:

M.Senthil Kumar

... Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Commissioner,
Pullambadi Panchayat Union,
Pullambadi and Post,
Lalgudi Taluk,
Trichy District.

3.The Revenue Divisional Officer,
Lalgudi Revenue Divisional Office,
Lalgudi, Lalgudi Taluk,
Trichy District.

4.The Special Officer,
Punjai Sangenthi Village,
Pullambadi Panchayat Union,
Lalgudi Taluk,
Trichy District.

5.T.Subramani

... Respondents



W.P.(MD).Nos.23133 & 23190 of 2018

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 2 to 4 from levying and collecting property tax from the 5th respondent in respect of the building in S.F.No.674/17 in Ayyanarpuram, Punjai Sangenthi Village, Lalgudi Taluk, Trichy District as requested by the petitioner through his representation, dated 28.07.2018.

For Petitioner : M/s.J.Anandavalli
For R1&R3 : Mr.G.Suriyananth
Additional Government Pleader
For R4 : No Appearance
For R5 : Mr.S.Ramesh

W.P(MD)No.23190 of 2018:

M.Senthil Kumar ... Petitioner

Vs.

1.The Assistant Executive Engineer,
Tamil Nadu General and Distribution
Corporation Ltd., (TANGEDCO),
E.Vellanoor, Lalgudi Taluk,
Trichy District.

2.T.Subramani ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 1st respondent from giving electricity service connection to the 2nd respondent in respect of the



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building in S.F.No.674/17 in Ayyanarpuram, Punjai Sangenthi Village, Lalgudi Taluk, Trichy District as requested by the petitioner through his representation, dated 02.11.2018.

For Petitioner : M/s.J.Anandavalli

For R1 : Mr.S.Deenadhayalan
Standing Counsel

For R2 : Mr.S.Ramesh

ORDER

The petitioner has a property dispute with the 2nd respondent in W.P(MD)No.23190 of 2018 who is the 5th respondent in W.P(MD)No.23133 of 2018. These two writ petitions have been filed for the following reliefs:

W.P(MD)No.23133 of 2018	W.P(MD)No.23190 of 2018
Prayer: For forbearing the respondents 2 to 4 from levying and collecting property tax from the 5th respondent in respect of the building in S.F.No.674/17 in Ayyanarpuram, Punjai Sangenthi Village, Lalgudi Taluk, Trichy District as requested by the petitioner through his representation, dated 28.07.2018.	Prayer: For forbearing the 1st respondent from giving electricity service connection to the 2nd respondent in respect of the building in S.F.No. 674/17 in Ayyanarpuram, Punjai Sangenthi Village, Lalgudi Taluk, Trichy District as requested by the petitioner through his representation, dated 02.11.2018.



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2. It appears that the petitioner had earlier filed a suit before the District Munsif Court, Lalgudi in O.S.No.40 of 1999 which was for a bare injunction. It is informed by the counsels that the said suit was dismissed on 06.08.2008. Aggrieved by the same, the petitioner appears to have filed A.S.No.204 of 2008 before the II Additional Sub Court, Tiruchirappalli. It appears that the said appeal suit was disposed by remanding the case back to the District Munsif Court, Lalgudi.

3. After the case was remanded back to the District Munsif Court, Lalgudi in O.S.No.40 of 1999, the petitioner appears to have filed a memo to withdraw O.S.No.40 of 1999 before the District Munsif Court, Lalgudi. Pursuant to which, the suit was dismissed as withdrawn and thereafter, the petitioner has filed O.S.No.148 of 2017 before District Munsif Court, Lalgudi both for a declaratory relief and for recovery of possession of the property. It is informed by the both the counsels that the suit is still pending as on date.

4. Since the rights of the petitioner is yet to be determined in the above suit that has been filed by the petitioner, the prayer of the petitioner to denude the rights of the 2nd / 5th respondent in the respective writ petitions cannot be



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countenanced. Under these circumstances, both the writ petitions are dismissed.

However, liberty is given to the petitioner to approach the respective respondents in the respective writ petitions, in case the petitioner succeeds in securing a favourable judgment and decree from the District Munsif Court, Lalgudi in O.S.No.148 of 2017.

5. With the said liberty, both the Writ Petitions are dismissed. No costs.

01.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Commissioner,
Pullambadi Panchayat Union,
Pullambadi and Post,
Lalgudi Taluk,
Trichy District.
- 3.The Revenue Divisional Officer,
Lalgudi Revenue Divisional Office,
Lalgudi, Lalgudi Taluk,



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Trichy District.

- 4.The Special Officer,
Punjai Sangenthi Village,
Pullambadi Panchayat Union,
Lalgudi Taluk,
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- 5.The Assistant Executive Engineer,
Tamil Nadu General and Distribution
Corporation Ltd., (TANGEDCO),
E.Vellanoor, Lalgudi Taluk,
Trichy District.



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C.SARAVANAN, J.

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