



W.P.(MD) No.19363 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.19363 of 2018

R.S.Sornam

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDGO,
Tuticorin District
Ettayapuram Road,
Tuticorin.

2.The Assistant Engineer (Distribution),
TANGEDGO,
Vallanadu,
Tuticorin District.

3.R.Rathinam

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to disconnect the electricity connection given to the 3rd respondent for petitioner's land in S.No.105B/2B admeasuring 3A50C, situated at Theivaseyalpuram, Srivaikuntam Taluk, Tuticorin District, based on petitioner's representation dated. 24.08.2018.

For Petitioner : Mr.T.Selvan

For R1 and R2 : Mr.S.Deenadhayalan
Standing Counsel



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For R3

: Mr.M.Sengu Vijay

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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to disconnect the electricity service connection given to the 3rd respondent for petitioner's land in S.No.105B/2B, admeasuring 3A50C, situated at Theivaseyalpuram, Srivaikuntam Taluk, Tuticorin District, based on petitioner's representation dated. 24.08.2018.

2. The petitioner claims to have purchased the subject property from one K.Thirumalayappa Mudaliar, an Advocate, through the Sale Deed dated 07.09.2020, registered as Document No.2373 of 2010. The third respondent in turn had filed a suit for a specific performance in O.S.No.87 of 2009 before the Sub Court, Tuticorin.

3. It appears that the petitioner's vendor submitted to the decree and the decree came to be passed on 18.09.2009. Pursuant to the decree dated 18.09.2009 passed in O.S.No.87 of 2009 by the Sub Court, Tuticorin, the third respondent appears to have put up a construction over the property, which was sold in favour of the petitioner by the petitioner's above said



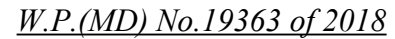
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vendor namely, K.Thirumalayappa Mudaliar, the defendant in the suit filed by the third respondent for a specific performance before the Sub Court, Tuticorin, in O.S.No.87 of 2009.

4. Under these circumstances, the petitioner filed C.R.P.(MD)No. 1318 of 2012 under Article 227 of the Constitution of India against the judgment and decree passed by the Sub Court, Tuticorin, on 18.09.2009. After a detailed consideration, this Court by an order dated 18.10.2019, allowed C.R.P.(MD)No.1318 of 2012 and thereby, set aside the judgment and decree.

5. The rights of the third respondent over the property thus, stands discredited in the view of the decision of this Court in C.R.P.(MD)No. 1318 of 2012 dated 18.10.2019. The third respondent has no legal rights over the property.

6. The third respondent has also not challenged the order of this Court dated 18.10.2019 in C.R.P.(MD)No.1318 of 2012. Therefore, the third respondent can no longer squat in the property of the petitioner. The third respondent cannot be given any facility which would be in derogation of the rights of the petitioner.



8. This Writ Petition stands disposed of accordingly. No costs.

02.08.2024

2.The Assistant Engineer (Distribution),
TANGEDCO,
Vallanadu,
Tuticorin District.



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C.SARAVANAN, J.

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