



W.P.(MD)No.25649 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25649 of 2024

M.Thangavel Pandian

... Petitioner

Vs.

1.The Assistant Executive Engineer,
Tamil Nadu Electricity Board, (TANGEDCO),
Village East, Kattakamanpatti Post,
Battalagundu, Dindigul District-624 202.

2.The Assistant Executive Engineer,
Tamil Nadu Electricity Board, (TANGEDCO),
Village East, Kattakamanapatti Post,
Battalagundu, Dindigul District-624 202.

3.The Junior Assistant,
Tamil Nadu Electricity Board, (TANGEDCO),
Village East, Kattakamanpatti Post,
Battalagundu, Dindigul District-624 202.

4.J.Alageshkumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to reverse the electricity connection as it is before based on the petitioner's representation dated 02.12.2023 and 21.06.2024.



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For Petitioner : Mr.V.Jeyarani
For R1 to R3 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This writ petition is filed to direct the respondents 1 to 3 to reverse the electricity connection in the name of the petitioner based on the petitioner's representations dated 02.12.2023 and 21.06.2024.

2.Mr.S.Deenadhayalan, learned Special Government Pleader takes notice for the respondents 1 and 3. Considering the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.

3.According to the petitioner, for the subject property, the electricity service connection stood in the name of the petitioner. In the year 2010, the fourth respondent had fraudulently obtained a sale deed from the petitioner. The petitioner did not even know the nature of the transaction. Thereafter, the petitioner filed a suit for permanent injunction in this regard and left the said suit to be dismissed for default. Thereafter, no action has been taken. In the meanwhile, the fourth respondent, by using the said fraudulent transaction, had changed the electricity service connection into his name. However, the petitioner is in possession of the petitioner till now. Hence, he seeks a direction.



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5.At the outset, this Court is of the view that the petitioner cannot establish his right over the subject property in the writ Court, particularly when the document is executed in the year 2010 transferring the right with regard to the immovable property. If really, the petitioner is in possession of the property, the petitioner ought to have contested the suit filed for permanent injunction and worked out his remedy. Having left the said suit to be dismissed for default, the petitioner cannot seek a direction in a writ Court and the same cannot be maintained.

6.For the reasons stated above, this writ petition stands dismissed. It is for the petitioner to work out his remedy before the competent civil Court in the manner known to law. No costs.

29.10.2024

NCC:yes/no
Index:yes/no
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To

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Battalagundu,
Dindigul District-624 202.
- 2.The Assistant Executive Engineer,
Tamil Nadu Electricity Board, (TANGEDCO),
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- 3.The Junior Assistant,
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Village East,
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N.SATHISH KUMAR, J.

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