



W.P.(MD).No.24488 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24488 of 2024

M.Kanthavel Pandiyan

... Petitioner

Vs.

1.The Executive Engineer,
TNEB/TANGEDCO,
Samayanallur,
Vadipatti Main Road,
Madurai.

2.The Assistant Engineer,
TNEB/TANGEDCO,
Koodal Nagar,
Dinamani Nagar,
Madurai 625 013.

3.Lakshmi

4.Vinayagamoorthy

5.The Block Development Officer,
Village Panchayat,
Madurai West Panchayat Union,
Madurai 625 002.

... 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 Mandamus, to direct the respondents 1 and 2 to disconnect the electricity service connection in SC.No.051720322090 provide to third and fourth respondents in S.No. 24/2A of Vadugapatti Village, Madurai North Taluk on the basis of petitioner's representation dated 04.09.2024.

For Petitioner : Mr.S.Mahesh Babu

For Respondents : Mr.S.Deenadhayan (for R1 & R2)
Standing Counsel
Mr.A.Kannan (for R5)
Additional Government Pleader

ORDER

This writ petition has been filed seeking for issuance of writ of mandamus directing the respondents 1 and 2 to disconnect the electricity service connection in SC.No.051720322090 provide to third and fourth respondents in S.No.24/2A of Vadugapatti Village, Madurai North Taluk on the basis of petitioner's representation dated 04.09.2024.

2. Heard both sides. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. It is the case of the petitioner that the property in question belongs to him, however, in the year 2014, the third respondent by creating forged document executed the settlement deed in her favour, in respect of the said property and she has also filed a suit for permanent injunction against the petitioner. Pending suit, the property has been sold to the fourth respondent. The fourth respondent constructed a house in the said property and also obtained electricity service connection. Hence, seeks direction to disconnect the electricity connection provided to the respondents 3 and 4.

4. Apart from the facts of the petitioner, this Court is of the view that the prayer sought for by the petitioner cannot be granted. The respondents 3 and 4 are already in possession of the property. Though the petitioner claims to be owner of the property and the third respondent has no right over the property, however, it appears that till date, no suit has been filed by the petitioner against the respondents 3 and 4 in respect of the property in question.

5. In such view of the matter, when the respondents 3 and 4 are already in a settled possession of the property and as long as no



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recovery of possession is ordered in favour of the petitioner, as a matter of right, disconnection cannot be sought. Accordingly, the Writ Petition stands dismissed. No costs.

18.10.2024

Index : Yes / No
NCC : Yes / No
Rmk

To

The Block Development Officer,
Village Panchayat,
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Madurai 625 002.



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N.SATHISH KUMAR, J.

Rmk

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