



W.A.No.1929 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 27.06.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

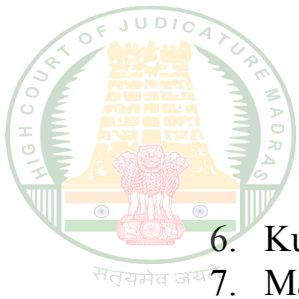
W.A.No.1929 of 2025 and
C.M.P.No.14709 of 2025

Mr.K.Venkatesan

... Appellant/Petitioner

-VS-

1. The Chief Engineer,
Vellore Zone, Tamil Nadu Electricity Board,
Gandhi Nagar, Katpadi,
Vellore-632 006.
2. The Superintending Engineer,
Vellore Block, Tamil Nadu Electricity Board,
Gandhi Nagar, Katpadi,
Vellore-632 006.
3. The Executive Engineer,
Vellore Block, Tamil Nadu Electricity Board,
Gandhi Nagar, Katpadi,
Vellore-632 006.
4. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Shenbakkam West, Vellore-632 008.
5. The Junior Engineer, O&M,
Tamil Nadu Electricity Board,
Thottapalayam Branch, Fort Round Road,
Vellore-632 001.



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6. Kumar

7. Mahadev Sharma

... Respondents/Respondents

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Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent, seeking to set aside the order dated 29.08.2024 made in W.P.No.24607 of 2024 by this Court by allowing the present Writ Appeal.

For Appellant : Mr.A.Gouthaman
For R1 to R5 : Mr.S.Madhusudanan

ORDER

(By J.Nisha Banu,J.)

A challenge in this Writ Appeal is to the order dated 29.08.2024 passed in W.P.No.24607 of 2024, by which, the Writ Petition was disposed of with liberty to the Writ Petitioner to canvas his grievances before the Trial Court, where Civil Suit is pending.

2. Mr.S.Madhusudanan, learned Standing Counsel takes notice for R1 to R5. Notice to R6 and R7 is dispensed, as no adverse order is going to be passed against them. By consent, the Writ Petition itself is taken up for final disposal at the admission stage.

3. In the Writ Petition, the Writ Petitioner sought a direction to the 5th respondent to disconnect the service connection No.226-003-973

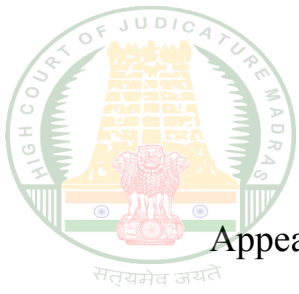


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given to the 7th respondent, who has purchased the property from the 6th respondent illegally. Learned Single Judge, based on the permission sought by the Writ Petitioner to approach the authorities and make a fresh claim, after succeeding in the Civil Suit pending in O.S.No.35 of 2008, disposed of the Writ Petition, granting such liberty to the Writ Petitioner

4. Aggrieved by the said order, the appellant / Writ Petitioner has preferred this appeal. The appellant submitted that inspite of the objection raised by the appellant to provide temporary service connection to the 7th respondent, the connection was provided to him on the very next day in a hurried manner. The pendency of Civil Suit is not a bar for the Electricity Department to act under Electricity Act. Learned Single Judge, without taking into account all these aspects, disposed of the writ petition by granting liberty to approach the Trial Court.

5. Mr.S.Madhusudanan, learned Standing Counsel appearing for the respondents 1 to 5 contended that the appellant, having got the permission to canvass before the Trial Court, has filed the present Writ



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Appeal and attempted to introduce new facts and documents before this Court, which is not permissible.

6. Heard the learned counsel for the appellant and the learned Standing Counsel appearing for the respondents 1 to 5 and perused the material documents available on record.

7. The case of the appellant is that several properties were owned by his father and thereafter, the properties were bequeathed in the name of the appellant. The 6th respondent, who is in no way connected with the property, claimed half share in the property and subsequently, sold the property to the 6th respondent illegally. The 6th respondent also filed a suit in O.S.NO.35 of 2008 on the file of the Additional Sub Court, Vellore, which is stated to be pending. The appellant has stated that he had filed written statement in the said civil suit.

8. Be that as it may, there are disputed question of facts involved in this case and therefore, the remedy lies to the appellant only



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before the appropriate Civil Forum to redress his grievance. Secondly, based on the request of the Writ Petitioner, restricting his prayer, learned Single Judge disposed of the case to canvas before the Civil Court with an observation that in case the appellant succeeds in the suit, he can approach the Electricity Board for disconnection. Hence, we do not find any infirmity or illegality in the order passed by the learned Single Judge and therefore, the Writ Appeal is liable to be dismissed.

9. Accordingly, the *Writ Appeal is dismissed*. No costs.
Consequently, connected miscellaneous petition is closed.

(J.N.B.J.,) (M.J.R,J.,)
27.06.2025

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