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Rev.Aplw No.211 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

Rev.Aplw No.211 of 2024

1. M.Thangarasu
2. C.Padmavathi

... Petitioners

Vs.

- 1.The Assistant Engineer
TANGEDCO,
Pallipalayam (East)
Erode – 638 006.
- 2.The Executive Engineer
TANGEDCO,
Pallipalayam
Erode – 638 006.
- 3.The Superintending Engineer
TANGEDCO,
Mettur Dam – 636 401.
- 4.The Tahsildar
Komarapalayam Taluk
(Formerly Tiruchengode Taluk)
Namakkal District.

- 5.S.Sathish Kumar

... Respondents



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Prayer: Review Application filed under Order 47 Rule 1 of C.P.C. against the impugned order of this Court dated 02.09.2024 passed in W.P.No.24318 of 2023.

For Petitioners : Mr.N.Subramaniyan

For Respondents : Mr.I.Syed Sibghatulla for R1 to R3

ORDER

The petitioners have filed this Review Application to review the order dated 02.09.2024 passed in W.P.No.24318 of 2023.

2. According to the petitioner, the review peititon has been filed to review the order passed by this Court in W.P.No.24318 of 2023 dated 02.09.2024 dismissing the writ petition without considering and adjudicating and rendering a finding as on the legal import of the statutory mandate u/s.43(1) of the Electricity Act, 2003 despite brought on record the argument made by the applicant that as mandated under the said provision, any occupier is entitled to get electricity service connection and hence the disconnection of the same by the respondents is illegal.

3. The learned counsel appearing for the respondents 1 to 3 submits that in the absence of any rival claim, the petitioners can rely upon Section



43(1) of the above said Act for obtaining electricity service connection. In the present case on hand, both the petitioners and the fifth respondent claim that they are the owner of the property in S.No.50/3 situated in Namakkal district. Upon conducting enquiry and after production of revenue documents, the official respondents disconnected the service connection given to the borewell situated in S.No.50/3. Since the issue involved in the present case pertains to disputed questions of facts and is purely a civil dispute, the same has to adjudicated only before the competent civil Court, however, without doing so, filing the present petition seeking the aforesaid relief is wholly unsustainable. Accordingly, he prayed to dismiss the writ petition.

4. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents 1 to 3 and perused the materials placed on record.

5. Though the petitioners have come up with this review petition as against the order dated 02.09.2024 passed in W.P.No.24318 of 2023, there is no patent error on the face of records. Moreso, the review application can be entertained only on the ground of error apparent on the face of records or clerical error.



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M.DHANDAPANI, J.

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6. Hence, this Court is of the view that, the prayer sought for by the petitioners in the present review petition cannot be acceded to and accordingly, this Review Petition stands dismissed.

06.01.2025

Index : Yes / No

Speaking order / Nonspeaking order

Netrual Citation Case : Yes / No

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