



C.R.P.(MD)No.901 & 902 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.901 & 902 of 2022

and

C.M.P.(MD)Nos. 3602 & 3603 of 2025

C.R.P.(MD)No.901 of 2025:

RM.Palaniyappan

...Petitioners

Vs.

1.The Assistant Engineer
(Maintenance & Operation)
TANGEDCO, Ponnamaravathy,
Pudukkottai District.

2.The Executive Engineer
(Maintenance & Operation)
TANGEDCO, Thirumayam,
Pudukkottai District.

3.The Superintendent Engineer,
(Maintenance & Operation)
TANGEDCO,
Pudukkottai District.

4.M.N.Alagu

...Respondents



C.R.P.(MD)No.901 & 902 of 2022

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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the Fair and Decreetal order passed in I.A.No. 1 of 2020 in O.S.No.47 of 2020, dated 27.01.2022, on the file of the District Munsif Cum Judicial Magistrate Court, Thirumayam.

C.R.P.(MD)No. 902 of 2025:

RM.Palaniyappan

...Petitioners

Vs.

- 1.The Assistant Engineer
(Maintenance & Operation)
TANGEDCO, Ponnamaravathy,
Pudukkottai District.
- 2.The Executive Engineer
(Maintenance & Operation)
TANGEDCO, Thirumayam,
Pudukkottai District.
- 3.The Superintendent Engineer,
(Maintenance & Operation)
TANGEDCO,
Pudukkottai District.

4.R.Karnan

...Respondents



C.R.P.(MD)No.901 & 902 of 2022

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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the Fair and Decreetal order passed in I.A.No. 2 of 2020 in O.S.No. 47 of 2020, dated 27.01.2022, on the file of District Munsif Cum Judicial Magistrate Court, Thirumayam.

C.R.P.(MD)No.901/2022:

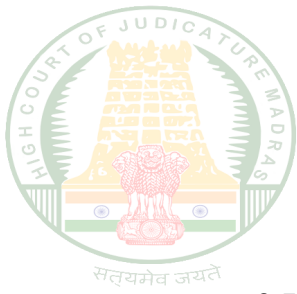
For Petitioner : Mr.D.Parisuthanathan
For Respondents 1 to 3 : Mr.B.Ramanathan
Standing Counsel
For Respondent No.4 : Mr.G.Sridharan

C.R.P.(MD)No.902/2022:

For Petitioner : Mr.D.Parisuthanathan
For Respondents 1 to 3 : Mr.B.Ramanathan
Standing Counsel
For Respondent No.4 : No appearance

COMMON ORDER

These petitions have been filed seeking to set aside the Fair and Decreetal orders passed in I.A.Nos.1 & 2 of 2020 in O.S.No.47 of 2020, dated 27.01.2022, on the file of District Munsif Cum Judicial Magistrate Court, Thirumayam.



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2.Learned Counsel for the petitioner would submit that the petitioner is the plaintiff in O.S.No.47 of 2020. He filed a suit for mandatory injunction for removal of the electricity connection granted in favour of the Executive Officer by impleading the Assistant Engineer (Maintenance & Operation), Executive Engineer (Maintenance & Operation) and Superintending Engineer (Maintenance & Operation). When the suit was pending, the fourth respondent in both the Civil Revision Petitions filed impleading petitions under order 1 Rule 10 of CPC and the said petitions were allowed. Challenging the same, the present Civil Revision Petitions have been filed.

3.Learned Counsel for the petitioner would submit that admittedly, the petitioner is the owner of the property. Earlier O.S.No.85 of 1985 was filed by the petitioner's vendor Lakshman Chettiyar as against one Vellaisamy Thevar and the suit was decreed. Against which, the said Vellaidamy Thevar preferred appeal before the lower appellate Court and before this Court. All those appeals ended in vain. Thereafter, the petitioner purchased the property from Lakshmana Chettiyar. Thereafter, the petitioner filed a suit before the trial Court, in which neither the Executive Officer nor the fourth respondent in both the CRPs are necessary or appropriate party. However, the lower Court

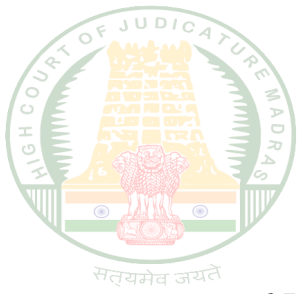


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allowing the impleading petitions of the fourth respondent in both the CRPs is not sustainable.

4.Learned Counsel for the petitioner would further submit that already the Executive Officer filed impleading petition in I.A.No.1 of 2024 and the same is pending. Further, the very same executive officer filed a second appeal in S.A.(MD)No.179 of 2022 and interim order was granted by this Court. However, the fourth respondents in both the CRPs are not necessary parties in the suit. Accordingly, prays for appropriate orders.

5.Learned Counsel for the electricity board would submit that as per the request made by the Executive Officer of the Ponnamaravathy Town Panchayat, electricity was granted and electricity connection stands in the name of the Executive Officer for more than 20 years. However, in the earlier round of litigation, neither the Town Panchayat nor the Electricity Board was arrayed as a party. Earlier decree in O.S.No.85 of 1985 was obtained by way of collusion which is not sustainable. Rightly the Executive Officer filed S.A.(MD)No.179 of 2022 and obtained an interim order. Accordingly, he submits that the order of the trial Court need not be interfered with.



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6.Learned Counsel for the fourth respondent in C.R.P.(MD)No.901 of 2022, would submit that the fourth respondent is running a shop as a licensee , for more than 25 years and obtained electricity connection in the name of Town Panchayat and without impleading the fourth respondent, the electricity was disconnected, which adversely affects the interest of the petitioner. Thereby, the present application is filed. The same was allowed by the trial Court which need not be interfere with.

7.The facts in the present case are not in dispute. Admittedly, the petitioner is the plaintiff in O.S.No.47 of 2020. He filed a suit for mandatory injunction for removal of the electricity connection granted in favour of the Executive Officer by impleading the Assistant Engineer (Maintenance & Operation), Executive Engineer (Maintenance & Operation) and Superintending Engineer (Maintenance & Operation). It is also an admitted fact that the electricity connection stands in the name of the Executive Officer of the Ponnamaravathy Town Panchayat, for more than 20 years. Also, in the earlier round of litigation between the vendor of the petitioner and one Vellaisamy Thevar, neither the Town Panchayat nor the Electricity Board was arrayed as a party and a decree in O.S.No.85 of 1985 was obtained by way of collusion.



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Thereafter, The Town Panchayat filed E.A.No.31 of 2003 in E.P.No.5 of 2001, which came to be dismissed. As against the said order, he preferred appeal before the lower appellate Court in A.S.No.10 of 2009, on the file of the Sub Court, Pudukkottai and the same was dismissed. Thereafter, rightly the Executive Officer filed S.A.(MD)No.179 of 2022 and obtained an interim order. All these facts were rightly appreciated by the trial court while deciding the impleading petition filed by the fourth respondent in both the CRPs. and rightly allowed those petitions. Hence, this Court does not find any reason to interfere with the orders passed by the trial Court.

8.In view of the above, these Civil Revision Petition are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Internet:Yes/No

Index:Yes/No

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To

- 1.The District Munsif Cum Judicial Magistrate Court,
Thirumayam.
- 2.The Assistant Engineer
(Maintenance & Operation)
TANGEDCO, Ponnamaravathy,
Pudukkottai District.
- 3.The Executive Engineer
(Maintenance & Operation)
TANGEDCO, Thirumayam,
Pudukkottai District.
- 4.The Superintendent Engineer,
(Maintenance & Operation)
TANGEDCO,
Pudukkottai District.
- 5.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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