



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2025

CORAM

THE HON'BLE Ms.JUSTICE P.T.ASHA

W.P.(MD)No.22507 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

Selvalakshmi

...Petitioner

Vs

- 1.The Superintending Engineer,
Tamil Nadu Electricity Board (Distribution), Dindigul.
- 2.The Divisional Engineer,
Tamil Nadu Electricity Board (Distribution),
Batlagundu, Dindigul District.
- 3.The Assistant Engineer (Town),
Tamil Nadu Electricity Board (Distribution),
Nilakkottai, Dindigul District.
- 4.The Assistant Executive Engineer,
Tamil Nadu Electricity Board (Distribution),
Nilakkottai, Dindigul District.
- 5.The Assistant Accounts Officer,
Tamil Nadu Electricity Board (Distribution),
Revenue Section, Batlagundu, Dindigul District.
- 6.The Tahsildar,
Nilakkottai Taluk, Dindigul District.
- 7.Palaniyammal
- 8.Subramani



9.Gnana Sundaravel

10.Sadayandi

11.Veeramani

12.Chellammal

13.Gunasekar

14.Baskaran

15.Suresh

16.Azhaguraj

17.Jeya

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified Mandamus** calling for the records pertaining to the impugned order passed by the 5th respondent in க.எண்.உ.க.அ.வபி.வகு.கோ.பெமா.அ.எண்.2015, dated 24.11.2015, quash the same and direct the 1 to 5 respondents to restore the service connection No. 248006276 in the name of the petitioner, within a time frame fixed by this Court.

For Petitioner : M/s.J.Anandhavalli

For Respondents : Mr.S.Deenadhayalan
Standing Counsel for R1 to R5
Mrs.D.Farjana Ghoushia
Special Government Pleader for R6
Mr.H.Lakshmi Shankar for R7 to R17

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ORDER

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This Writ Petition has been filed seeking to quash the order passed by the 5th respondent in his proceedings dated 24.11.2015, and to direct the respondents 1 to 5 to restore the service connection bearing No.248006276 stands in the name of the petitioner within a time frame.

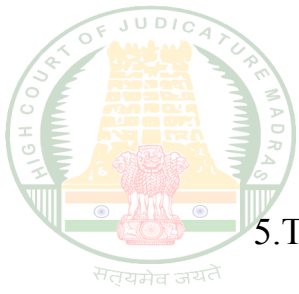
2.The learned Counsel for the petitioner would submit that in respect of a Well and E.B. service connection and the motor and pump set attached to that lying in S.No.478/1B, Noothulaapuram Village, Nilakottai Taluk, Dindigul District, the petitioner has filed a suit in O.S.No.280 of 2004, on the file of the District Munsif Court, Nilakottai, as against the respondents 7 to 17, seeking a declaration of the title to the aforesaid property and for consequential injunction. She has also sought for mandatory injunction as against the 10th respondent to remove the name of Mallaiyasami Gounder from Patta No. 1651, which relates to the suit schedule property. The petitioner has claimed her right to the property on the basis of the sale deed, dated 18.08.1998. The respondents 7 to 17, apart from disputing the petitioner's right to the property had also filed a counter suit in O.S.No.311 of 2004, before the District Munsif Court, Nilakottai, for injunction in respect of the Well, land, Vaikkal in S.No. 478/1B. Both the suits were tried together and by the judgment and decree dated 28.08.2015, the suit filed by the petitioner was dismissed while the suit filed by



the respondents 7 to 17 was decreed. Challenging these judgment and decree, the petitioner has filed the First Appeal before the Sub Court, Dindigul, in A.S.No.86 & 88 of 2015, which is pending.

3.The learned Counsel for the petitioner would also submit that while the First Appeal was pending, she has received a notice dated 06.11.2015, from the first respondent calling upon her to offer explanation in respect of the claim made by the decree holders in O.S.No.311 of 2004, that is respondent Nos.7 to 17. The petitioner has sent a detailed objection on 13.11.2015, through her legal Counsel. The said objections were received by the respondent Nos.1 to 5 and the petitioner was lulled into belief that the 5th respondent will not pass any orders without calling the petitioner for an enquiry. Therefore, she was shocked to receive a communication dated 24.11.2025, from the 5th respondent stating that E.B. service connection bearing No.248006276, which stood in her name was cancelled on the basis of the opinion of the learned Government Pleader. It is this cancellation that is the subject matter of the Writ Petition.

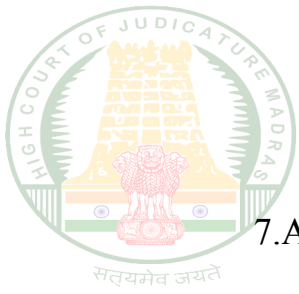
4.I have carefully considered the submissions made on either side and perused the materials available on record.



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5.The petitioner had filed a suit for a declaration in respect of the Well and E.B. service connection situate in S.No.478/1B. The respondent Nos.7 to 17 in turn, had also filed a suit for a declaration that they are the owners of the Well and consequently for an injunction restraining the plaintiff from enjoying the Well and mandatory injunction directing the petitioner herein to remove the motor pump set, the pipe line and the Hut in the said survey number. The two suits were tried together and the petitioner's suit where she had claimed the title to the property has been rejected before the Appellate Court/the Subordinate Judge, Dindigul. The petitioner had not got any order of stay.

6.Therefore, on the strength of the decree obtained in O.S.No.311 of 2004 and also O.S.No.280 of 2004, the respondents have sought for the disconnection of the electricity service connection standing in the name of the petitioner in respect of the motor pump set fitted to the Well, which is now declared to be the absolute Well of the respondents 7 to 17 by the decree in O.S.No.311 of 2004. In the light of the decree passed by the Courts below, not having been stayed by the appellate Court, I see no reasons to interfere with the order passed by the 5th respondent.



7. Accordingly, this Writ Petition stands dismissed. It is needless to state that if the judgment in O.S.No.280 of 2004 and O.S.No.311 of 2004, are reversed by the appellate Court, it is well open to the petitioner to make a representation to the respondents 1 to 5 and on such representation be made, it shall be considered and the service connection be restored to the petitioner. No costs. Consequently, connected Miscellaneous Petitions are also closed.

02.09.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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P.T.ASHA, J.

RJR

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