



WEB COPY

WA No. 490 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

**THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

WA No. 490 of 2023

K.Gurusamy
S/o.Kandasamy Gounder, Sellipalayam,
Oruvandur (Po), Namakkal District

..Appellant(s)

Vs

1. The Chairman
Tamilnadu Electricity Board, Anna Salai,
Chennai-02
2. The Chief Engineer
Tamilnadu Electricity Board, Erode-638 009
3. The Superintending Engineer
Namakkal Electricity Distribution Circle, Tamil
Nadu Generation and Distribution Corporation
(TANGEDCO) Ltd, Namakkal-637 001

K Murugesan (Died)

4. M.Saraswathi
W/o. Late K. Murugesan, Sellipalayam,
Oruvandur Taluk, Namakkal District 637 015.
5. M.Sureshkumar
S/o. Late K. Murugesan, Sellipalayam
Oruvandur Taluk, Namakkal District 637 015.
6. M.Anitha
D/o. Late K. Murugesan, Sellipalayam
Oruvandur Taluk, Namakkal District 637 015.
7. S.Velusamy



S/o. Late Sengoda Gounder, S.K.P.Complex,
No.46-C, Rasikumari Palayam Street, Sri
Murugan Nagar, Mohanur Post, Namakkal
District 637 015.

..Respondent(s)

To set aside the order of the learned single Judge of this Honourable Court passed in WP No.44184/16 dated 10.11.2022 thereby quash the impugned order of the 3rd respondent vide Ref. No.KA No.Ma Po/NaMiPa Va/Na/USaePo/Valar/Upo2/Valar/Ko.Thani/Na.no.796/2016 dated 21.06.2016 and direct the 2nd respondent to disconnect the electricity service connection Nos.680 and 681 of Oruvandur Distribution by strictly adhering to the guidelines of the 1st respondent dated 12.01.1988

For Appellant(s): Mr.Karthikeyan
for Dr.C.Ravichandran

For Respondent(s): Mr.S.Kalaiselvan,
Standing Counsel for R1 to 3,

for Mrs.B.Poongkhulali for R4 to R6,
Na -R7

JUDGMENT

(Judgment of the Court was delivered by C.Kumarappan J.)

The present writ appeal is filed assailing the order of the learned single Judge passed in W.P.No.44184 of 2016.

2. The main relief sought for in the writ petition is to effect disconnection in respect of the EB connection bearing Connection Nos.680 and 681. However, the learned single Judge, after having gone into the various



aspects, has ultimately given a finding in paragraph Nos.3,4 and 5 as follows:

3. Whereas, the learned counsel appearing for the 4th respondent and the respondents 5 to 8, who are now impleaded, would submit that the present Writ Petition is nothing, but abuse of process of law and that there are suppression of facts. Earlier, a suit was filed by the petitioner in O.S.No.74 of 2005 before the learned District Munsif, Namakkal seeking a declaration of his right in the Well and also to disconnect the electricity connection standing in the name of the 4th respondent herein. The suit has been decreed holding that the petitioner, being co-owner is entitled to draw the water from the Well on the rotation basis and further, dismissed in respect of the mandatory injunction for disconnection of electricity.

4. I have heard the learned counsel on either side and perused the Judgment dated 21.08.2012 passed by the civil court.

5. The suit has been filed for various reliefs, viz., for declaration and mandatory injunction. One of the relief is also sought to disconnect the electricity connection standing in the name of the 4th respondent. After thorough analysis of the facts and evidence, the trial court having granted the declaration in respect of the petitioner's right in the Well, as co-owner, to draw the water on rotation basis, has dismissed the suit in respect of the mandatory injunction. These facts have never been disclosed in the Writ Petition and therefore, it is clear that the Writ Petition is nothing but clear abuse of process of law. Further, the provision of earlier Judgment, is



binding on the petitioner.

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3. While looking at the above reasoning, the learned single Judge had recorded that the very same appellant having filed O.S.No.74/2005, suppressed the said fact before the writ Court and it is pertinent to mention here that in .O.S.No.74/2005, the petitioner, apart from seeking a relief of declaration has also sought of the relief of mandatory injunction for disconnection, which relief was denied by the Civil Court in O.S.No.74/2005. Therefore, having denied such a relief, he cannot seek same relief by filing a writ petition. Thus, we do not find any infirmity in the order passed by the learned single Judge. Accordingly, the Writ Appeal stands dismissed. No costs.

(S.M.S.,J.) (C.K.,J.)
05-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI

To

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S.M.SUBRAMANIAM, J.



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C.KUMARAPPAN, J.**

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