



WEB COPY

WP No. 10602 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

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

WP No. 10602 of 2025

AND

WMP Nos. 12215, 12219 & 12223 of 2025

1. Vadivel Alias Rajasekar
S/o Dhandapani

2. Malar
W/o.Rajasekar

Petitioners 1 & 2 residing at :
No.6 Ninaivu Nagar
Sinraua Pillai Chathiram, Puducherry.

Now residing at :
No.4B1, Priyadharshini Nagar
Eye Doctor Thottam, Rathna Theatre,
Puducherry.

..Petitioner(s)

Vs

1. The Assistant Engineer
Tamilnadu Generation and Distribution
Corporation Ltd
Operation & Maintenance
Kottakuppam, Villupuram District.
2. The Chairman and Managing Director
TANGEDCO, 10th Floor
Npkrr Maligai, No.144 Anna Salai
Chennai – 600 002.
3. The Junior Engineer
Tamilnadu Generation and Distribution
Corporation Ltd, Operation & Maintenance
Kottakuppam, Villupuram District.



4. Loganayaki
W/o Nageswaran
13th Block, No. 455, Udayasuriyan Nagar,
Viyasarpadi, Chennai – 39.

5. Perananthan
S/o.Thiumayil
4th Street No.379, C.Kalyanapuram
Viyasarpadi, Chennai-39.

6. Thulukkanam
S/o. Kathravan
4th Street No.379 C.Kalyanapuram
Viyasarpadi, Chennai-39.

7. Sarasu
W/o.Kaliyamoorthy
Ellavampattu Village
Vanur Taluk, Villupuram District.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order in proceedings bearing Ka.No.I.mi.oi,/ko.kuppam/ko-vazhakku / a.No.201/2024.2025 dated 14.02.2025 by the Junior Engineer, Tamilnadu and Distribution Corporation Ltd., (Operation and Maintenance), Kottakuppam, Villupuram District, the 3rd respondent herein and quash the same and consequently direct the respondents 1 to 3 to extend electricity connection to the petitioners house ground and premises no.A-2 Aro Beach Mariamman Koil Street, Bommayarpalayam, Villupuram, Tamilnadu-605 001 and pass orders.

For Petitioner(s): Mr.Ashokkumar D.

For Respondent(s): Mr.V.Venkata Seshaiya
Standing Counsel for R1 to R3
R4 to R7 – Served [No Appearance]



ORDER

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The above writ petition has been filed for the following relief :

“To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order in proceedings bearing Ka.No.I.mi.oi,/ko.kuppam/ko-vazhakku / a.No.201/2024.2025 dated 14.02.2025 by the Junior Engineer, Tamilnadu and Distribution Corporation Ltd., (Operation and Maintenance), Kottakuppam, Villupuram District, the 3rd respondent herein and quash the same and consequently direct the respondents 1 to 3 to extend electricity connection to the petitioners house ground and premises no.A-2 Aro Beach Mariamman Koil Street, Bommayarpalayam, Villupuram, Tamilnadu-605 001.”

2. The short facts that led to the filing of the writ petition are as follows :

- (a) The first petitioner is the husband of the second petitioner. The first petitioner is the owner of the property measuring an extent of 9.25 cents comprised in Ayan Punja Old Sy.No.372/2 situated at Bommayarpalayam Panchayat by virtue of a sale deed dated 26.03.2014. He had put up a Resort consisting of cottages and restaurant in the subject property and the electricity service connection bearing No.138-011-1633 for the said property stands in the name of the first petitioner. The connection was running through single-phase and as the cottages were fully occupied, the



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petitioner had approached the respondents 1 to 3 to provide 3-phase service connection.

- (b) The petitioner's request seeking 3-phase connection was not considered by the respondents and when enquired, it came to his knowledge that the one Loganayagi who had obtained an ex parte decree in O.S.No.62 of 2015, had objected the petitioner's request for providing the 3-phase connection and therefore, the service connection was not provided. While so, the service connection of the subject property was disconnected.
- (c) The petitioners would submit that Loganayagi had filed a suit in O.S.No.62 of 2015 for partition and for declaration in respect of certain sale deeds and had obtained an ex parte decree. The petitioners had thereafter filed an application in I.A.No.150 of 2016 to set aside the ex parte decree and same came to be dismissed. Challenging the dismissal order, an appeal was filed. Since the appeal was not filed in time, they have filed an I.A.No.19 of 2020 to condone the delay in filing the appeal. Since the delay was enormous, I.A.No.19 of 2020 was dismissed on 01.02.2024 and the appeal was not taken on file. Therefore, the petitioners had filed a civil revision petition in CRP.No.4931 of 2024 before this Court. In the interregnum, the said Loganayagi and others, high-handedly managed to enter into the property on the basis of the ex parte decree.



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- (d) Seeking to restore the electricity service connection, the first petitioner had filed W.P.No.35108 of 2016 and the same was allowed directing the respondents to restore the electricity service connection of the petitioner's property within a period of four weeks. Pursuant to the directions of this Court, the service connected was restored.
- (e) Aggrieved by the order of this Court in W.P.No.35108 of 2026, Loganayagi filed a review application in Rev.Appl.No.40 of 2023. This review was allowed on the basis of the exparte decree obtained by the Loganayagi and also the fact that the first petitioner has not brought to the notice of the Court about the dismissal of the application filed to set aside the expate decree. Subsequent to the order in review application, the service connection to the petitioner's property was disconnected.
- (f) The first petitioner thereafter had moved a writ appeal in WA.SR.No.147489 of 2024 challenging the order in review application, and the same is pending. Since there was a delay in filing the writ appeal, the first petitioner had filed CMP.No.585 of 2024 to condone the delay in filing the appeal.
- (g) The petitioner would submit that despite the fact that exparte decree is under challenge before this Court in CRP.No.4931 of 2024, and that the electricity service connection was not restored to the



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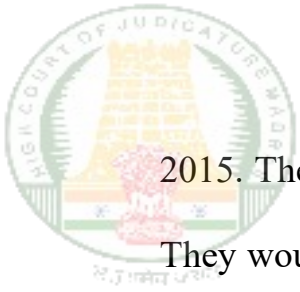
petitioner's property, he had submitted a representation to the respondents on 09.12.2024.

- (h) The 3rd respondent vide impugned order dated 14.02.2025 had refused to restore the electricity connection on the ground that the CRP.No.4931 of 2024 is pending at admission stage and no orders have been passed in the said revision petition to grant electricity connection.

Challenging the impugned order, the petitioner is before this Court.

3. It is now brought to the notice of the Court that the CRP.No.4931 of 2024 filed to set aside the order in I.A.No.19 of 2020 was ordered and consequently, this Court directed the appellate Court to number the CMA and dispose of the same within 3 months. Pursuant to the orders of this Court, the appeal was taken on file in CMA.No.14 of 2025 on the file of Principal District Judge, Villupuram and the learned Judge by order dated 03.01.2026 has set aside the exparte order and restored the suit to file. Therefore, the exparte decree passed against the petitioners has been set aside and the suit has been restored and the same is available on file.

4. The third respondent has filed the counter affidavit on its behalf and also on behalf of the respondents 1 and 2. It is alleged in the counter that the private respondents have obtained the decree in their favour in O.S.No.62 of



2015. They would admit that the suit in O.S.No.62 of 2015 is pending disposal.

They would submit that they have disconnected the service connection, only on the basis of the representation given by the private respondents. They would submit that upon verification of revenue records, it came to their knowledge that the property in question has now been alienated to one Rajendran by Loganayaki, the 4th respondent herein, on 18.02.2025. The respondents would submit that there is no construction on land and it is vacant.

5. The counsel appearing for the petitioners would submit that after obtaining the decree, the private respondents have demolished considerable portion of the property, but still there are some portions which remain, and the petitioners seek electricity service connection as it would be required for reconstructing the property.

6. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for respondents 1 to 4, and this Court also perused the materials placed before this Court.

7. The reason for rejecting the representation of the petitioners seeking restoration of electricity connection was only on the basis that the respondents 4 to 7 have obtained an exparte decree. This exparte decree has since been set



aside. Therefore, the impediment for grant of electricity service connection to the petitioners' property have now been removed.

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8. Admittedly, the petitioners have been enjoying the service connection and they only seek restoration of the same. The private respondents 4 to 7 though served, have not cared to enter appearance. It is not in dispute that the petitioners have been enjoying the electricity service connection till its disconnection. Since there is a rival claim, the first petitioner shall furnish an indemnity bond to the respondent concerned and on such production, the service connection shall be restored to the subject property, within a period of two weeks of the submission of the indemnity bond.

9. With the above direction, the writ petition is allowed and the impugned order of the 3rd respondent dated 14.02.2025 is hereby set aside. No costs. Consequently, connected miscellaneous petitions are closed.

25-02-2026

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



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