

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2015

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. No.4092 of 2013 &
M.P.No.1 of 2013

S.Selvaraj

[PETITIONER]

Vs

1. The Assistant Engineer,
Tamilnadu Electricity Production and
Distribution Corporation,
Kovai Distribution Circle / North,
Pappanaickenpudur, Coimbatore - 41

2. S.C.Venkatesh

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus to call for the records relating to the order of the first respondent dated 15.06.2012 made in Vu.Mi.Po/Mi.Po./Vini/Pa.Na.Pu/Ko/A No.243/2012, quash the same and consequently direct the 1st Respondent to provide electricity connection to the Petitioner's property at situated at Survey No.SF.411 Telungupalayam Village Coimbatore District.

(prayer amended as per order of this Court dated 21.02.2013 by KVJ in M.P.No.2 of 2013 in W.P.No.4092 of 2013)

For Petitioner : Mr.J.Pothiraj

For Respondent 1: Mr.S.K.Rameshwar

For Respondent 2: Mr.P.Mathivanan

ORDER

Heard Mr.J.Pothiraj, learned counsel appearing for the petitioner, Mr.S.K.Rameshuwar, learned counsel appearing for the first respondent and Mr.P.Mathivanan, learned counsel appearing for the second respondent.

2. Initially, this Writ Petition was filed seeking to issue a writ of mandamus to consider the representation given by the petitioner dated 25.06.2012 before the first respondent. Subsequently, by an order dated 21.02.2013 made in M.P.No.2 of 2013, the prayer was amended to issue a Writ of Certiorarified mandamus calling for the records relating to the order of the first respondent dated 15.06.2012 made in Vu.Mi.Po /Mi.Po./Vini /Pa.Na.Pu/ Ko/A No.243/2012 and quash the same.

3. It is not in dispute that there is a civil suit in O.S.No.321 of 2012, pending on the file of the District Munsif, Coimbatore. There seems to be a rival claim over the property on which the electricity

service connection is sought. The impugned order dated 15.06.2012 is also to the effect that till such time the dispute is resolved among the parties in the pending suit the service connection cannot be granted to the Writ Petitioner.

4. The learned counsel for the petitioner and learned counsel for the respondents agree that the civil dispute has to be resolved before applying for the service connection.

5. In view of the said submission made by the learned counsel, the Writ Petition is disposed of directing the parties to resolve their dispute in the pending suit and subject to the result , it is open to them to apply before the first respondent for electricity service connection. Consequently, connected Miscellaneous Petition is closed. No costs.

11.12.2015

srn

PUSHPA SATHYANARAYANA.J

srn

To

1. The State of Tamilnadu
Represented by the Secretary to the Government,
Small Industries,
Fort St.George, Chennai 600 009
2. The Commissioner and Director of
Industries and Commerce,
Mandaveli, Chennai 600 028

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