

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.26129 of 2014 and
M.P.No.1 of 2014

V.Sundaramoorthy

.. Petitioner

Vs.

1.The Assistant Engineer,
Operation and Maintenance (O&M),
Vilangadupakkam,
CEDC/WEST, TANGEDCO,
Chennai - 600 052.

2.P.V.Jayanthi Iyyengar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to give Electricity Service Connection to the petitioner's property comprised in Old Survey No.503/1, New Survey No.676/6 at No.88A, Pillaiyar Kovil Street, Perungavoor Village, Ponneri Taluk, Thiruvallur District.

For petitioner : Mrs.R.Gouri
For 1st respondent : Mr.P.R.Dhilip Kumar,
Standing Counsel for TNEB
For 2nd respondent : Mr.J.Kannan

ORDER

The petitioner contends that he is the owner of the property comprised in Old Survey No.503/1, New Survey No.676/6 at 88A, Pillaiyar Koil Street, Perungavoor Village Ponneri Taluk, Thiruvallur District, having obtained the same by virtue of a settlement deed executed by his father on 25.11.2002. The second respondent challenged the said settlement deed by filing O.S.No.185 of 2009 and prayed for a decree of declaration of title. Thereafter, the petitioner filed an Application for electricity connection for agricultural purpose and it was given on 05.07.2014. Thereafter, the second respondent filed an Application to cut off the electricity connection. The first respondent cut off the electricity connection. Therefore, the petitioner has come before this Court seeking for a direction to restore the electricity Service Connection No.462-001-715 to the petitioner's property.

2. Heard Mrs.R.Gouri, learned counsel appearing for the petitioner, Mr.P.R.Dhilip Kumar, learned Counsel appearing for the

first respondent and Mr.J.Kannan, learned counsel for the second respondent.

3. Admittedly, a civil dispute is pending with regard to tile of the property before the District Munsif Court at Ponneri in O.S.No.185 of 2009. An order of status quo was already obtained by the second respondent. When that is the position, after five years, the petitioner approached the first respondent and obtained the electricity connection on 05.07.2014. It is clear that the petitioner had not disclosed the pendency of the civil dispute while obtaining electricity connection. However, once electricity connection has been given in favour of the petitioner, the first respondent, should not have cut off electricity connection based on the complaint given by the second respondent. Subject to the result of the civil dispute in O.S.No.185 of 2009, the petitioner is entitled to have the electricity connection.

4. Therefore, the first respondent is directed to restore the electricity connection within a period of one week from the date of receipt of a copy of the order. It is made clear that the order of reconnection ordered by this Court will not give any extra weightage to the petitioner's case as it is not a document substantiating the title. The order has been given only to restore the already existing service connection. Therefore, the Civil Court concerned is directed to ignore this order while deciding the title issue.

5. With the above directions, the Writ Petition is disposed of. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

asvm
To

The Assistant Engineer,
Operation and Maintenance (O&M),
Vilangadupakkam,
CEDC/WEST, TANGEDCO,
Chennai - 600 052.

+1 cc to Mr.P.R.Dhilipkumar, Advocate, sr.51065
+1 cc to M/s.R.Gowri, Advocate, sr.50893
+1 cc to Mr.J.Kannan, Advocate, sr.51067

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