

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.Nos.27750 & 25861 of 2014 &
M.P.No.1 of 2014 in W.P.No.25861/2014

N.Chandrababu ... Petitioner in W.P.No.27750/2014
N.Venugopal ... Petitioner in W.P.No.25861/2014

v.

- 1 The Executive Engineer
Tamil Nadu Electricity Board,
Valluvarkottam Sub Station
T.Nagar, Chennai- 600 017.
- 2 The Assistant Executive Engineer,
Tamil Nadu Electricity Board
K.R. Koil Street,
West Mambalam,
Chennai-600 033. ... Respondents 1 & 2 in both W.Ps
- 3.N.Venugopal
- 4.N.Balakrishnan ... Respondents 3 & 4 in W.P.No.27750/2014
- 3 N.Chandrababu ... 3rd Respondent in W.P.No.25861/2014

Writ Petition No. 27750/2014 is filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the respondents 1 and 2 to provide Electricity Service Connection in respect of 5 shops bearing Door No.1, Arangappa Reddy Street, West Mambalam, Chennai-33 based on the payment of necessary charges dated 11.8.2014 and 12.8.2014 to the petitioner forthwith

Writ Petition No. 25861/2014 is filed under Article 226 of the Constitution of India to issue a Writ of certiorari to call for the notice pertaining to the second respondent proceedings Ka.No. Vu.Se.Po/ Me.Ma.II/Kho.482/ Vi.No.482/2014 dated 18/9/2014 and to quash the same..

For Petitioner in W.P.No.
27750/2014 & for R3 in
W.P.No.25861/2014

: Mr.C.Prabakaran

For Petitioner in W.P.No.
25861/2014 & for R3 in
W.P.No.27750/2014 : Mr.C.Yokesh

For Respondents : Mr.P.R.Dilip Kumar,
Standing Counsel - for R1 & R2

No appearance for R4
in W.P.No. 27750/2014

COMMON ORDER

Since the issue involved in both the writ petitions are one and the same, both the writ petitions are disposed of by this common order.

2. W.P.No. 27750 of 2014 has been filed by the petitioner to issue a writ of mandamus to direct the respondents 1 and 2 to provide Electricity Service Connection to him in respect of 5 shops bearing Door No.1, Arangappa Reddy Street, West Mambalam, Chennai-33 based on the payment of necessary charges dated 11.8.2014 and 12.8.2014. The respondents 3 and 4 are brothers of the petitioner.

3. W.P.No. 25861 of 2014 has been filed by the third respondent in W.P.No. 27750 of 2014 to issue a writ of certiorari to call for the notice issued by the second respondent on 18.9.2014 and to quash the same.

4. According to the petitioner W.P.No. 27750 of 2014, in spite of the application filed by him for availing service connection for the 5 shops belonging to him, the respondents 1 and 2 have not provided the service connection.

5. The 3rd respondent gave a letter to the respondents 1 and 2 objecting to the service connection being provided to the petitioner in W.P.No. 27750 of 2014. Based on the letter given by the 3rd respondent, the 2nd respondent issued a show cause notice dated 18.9.2014 to the 2nd respondent to produce the necessary documents. Challenging the said notice, the 3rd respondent has filed W.P.No. 25861 of 2014.

6. When the matters were taken up for hearing, learned counsel for the petitioner in W.P.No. 27750 of 2014 submitted that he filed a suit in O.S.No.5298 of 2012 on the file of III Assistant Judge, City Civil Court, Chennai for mandatory injunction directing the Electricity Board to provide service connection. Further, the learned counsel submitted that the respondents 3 and 4 are also parties in the said suit. That apart, the learned counsel submitted that the said suit was decreed ex parte and thereafter, at the instance of the respondents 3 and 4, the ex parte decree was set aside and the suit is pending. Further, the learned counsel submitted that now the suit is posted for arguments of the respective

counsels.

7. When the relief sought for in the writ petitions as well as in the suit are one and the same, I am of the view that the present writ petitions have to be dismissed on the ground that the petitioner in W.P.No. 27750 of 2014 had already filed a suit in O.S. No.5298 of 2012 on the file of III Assistant Judge, City Civil Court, Chennai, which is also pending. The petitioners can work out their remedy in the civil suit.

8. The learned counsel for the petitioner in W.P.No.27750 of 2014 submitted that the trial court may be directed to dispose of the suit within a stipulated time.

9. Having regard to the submission made by the learned counsel for the petitioner in W.P.No.27750 of 2014, I direct the III Assistant Judge, City Civil Court, Chennai, to dispose of the suit in O.S.No.5298 of 2012 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above observations, the writ petitions are dismissed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

Rj

To

- 1 The Executive Engineer
Tamil Nadu Electricity Board,
Valluvarkottam Sub Station
T.Nagar, Chennai- 600 017.
 - 2 The Assistant Executive Engineer,
Tamil Nadu Electricity Board
K.R. Koil Street,
West Mambalam,
Chennai-600 033.
- +1cc to Mr.M.Balasubramanian, Advocate SR.No.5587
+1cc to Mr.C.Prabakaran, Advocate SR.No.5605
+1cc to Mr.P.R.Dhilip kumar, Advocate SR.No.5618

W.P.Nos.27750 & 25861 of 2014