

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.28490 of 2014

S.Mercy Rani

.. Petitioner

Versus

1.The Assistant Engineer
/ Ambattur Circle,
Tamil Nadu Electricity Board,
Chennai - 600 053.

2.The Executive Engineer,
O & M / Ambattur,
TANGEDCO, 3rd Main Road,
S.S. Campus,
Ambattur Industrial Estate,
Chennai - 600 058.

3.C.Ravikumar

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the letter No.உ.பொ/அம்.மை/கோ க.ரு./அ.எண் ரா, dated 03.09.2014 passed by the 1st respondent and quash the same thereby consequently provide Electricity connection in the name of the petitioner to the building bearing Door No.37/14, Shop Street, Venkatapuram, Ambattur, Chennai-600 053.

For Petitioner : Mr.M.Gnanasekar
For Respondents 1 & 2: Mr.P.R.Dhilip Kumar
For Respondent 3 : Mr.K.A.Marappan

ORDER

The petitioner has filed this Writ Petition challenging the proceedings issued by the first respondent, dated 03.09.2014, by which the petitioner's application for grant of Electricity Service connection was rejected on the ground that the property belongs to the third respondent and he is in possession and there is a civil litigation.

2. Counter affidavit filed by the first respondent

shows that suit in O.S.No.550 of 2013 is pending on the file of the District Munsif Court, Ambattur, against the petitioner and the third respondent and therefore, the third respondent has raised an objection and also filed a counter affidavit and typed set of papers.

3. The learned counsel for the petitioner filed Additional typed set of papers containing ten documents of 179 pages to establish that he is the lawful owner of the property.

4. In any event, since civil litigation is pending, the first respondent, the Officer of the Electricity Board cannot adjudicate on the question of title. Therefore, the petitioner has to approach the Civil Court, and get appropriate orders in that regard. Accordingly, the Writ Petition cannot be entertained and dismissed leaving open to the parties to agitate their rights before the Civil Court. No Costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

ds

To:

1.The Assistant Engineer/ Ambattur Circle,
Tamil Nadu Electricity Board,
Chennai - 600 053.

2.The Executive Engineer,
O & M / Ambattur,
TANGEDCO, 3rd Main Road,
S.S. Campus,
Ambattur Industrial Estate,
Chennai - 600 058.

+1 cc to Mr.Mariappan, Advocate, sr.61665

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