

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.30944 of 2015

1 K.Megavannan

2 K.Jayachandran

[PETITIONERS]

Vs

1 The Tamilnadu Electricity Board
rep. by its Chairman
No.800 Anna Salai
Chennai-600 002.

2 The Chief Engineer
Tamilnadu Electricity Board
No.800 Anna Salai, Chennai-600 002

3 The Superintending Engineer
Tamilnadu Electricity Board
No.800 Anna Salai, Chennai-600 002.

4 The Assistant Engineer
(Operation and Maintenance)
TANGEDCO (TNEB)
EB office at MKN Road
Alandur, Chennai-600 016.

5 A.Saburamma

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus, to direct the fourth respondent to restore the names in electricity connections bearing Nos. S.C. No. 241-002-446 and S.C. No. 241-002-337 to the name of the 1st petitioner and S.C. No. 241-002-524 to the name of the 2nd petitioner supplied for the premises at No.15

V.O.C. Lane M.K.N. 1st Lane Alandur Chennai 16 within the time frame fixed by this High Court.

For Petitioners : Mr.C.Senapathi

For Respondents : Mr.P.Gunaraj - R1 to R4

Mr.R.Amizhdu - R5

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.C.Senapathi , learned Counsel appearing for the petitioners, Mr.P.Gunaraj, learned counsel appearing for the respondents 1 to 4 and Mr.R.Amizhdu , learned counsel appearing for the fifth respondent.

3.The petitioners in this Writ Petition seeks for issuance of a writ of mandamus to restore the names in electricity connections bearing Nos. S.C. No. 241-002-446 and S.C. No. 241-002-337 to the name of the 1st petitioner and S.C. No. 241-002-524 to the name of the 2nd petitioner.

4.After hearing the parties at length and perusing the materials placed on record, it is evident that for the very same relief the petitioners have earlier approached the Civil Court by filing a Suit in O.S.No.184 of 2015, on the file of District Munsif, Alandur, wherein the petitioners have prayed for mandatory injunction and permanent injunction. On a perusal of the Complaint, in paragraph No.14(a), it is seen that the petitioners have sought for a mandatory injunction to direct the third defendant who is the Assistant Engineer (O & M), TANGEDCO, to restore the electricity service connection bearing SC No.241-002-446, SC.No.241-002-377 and SC No.241-002-524 to their original position i.e. in their names by cancelling the mutation of name in the service connections from the name of the petitioners/plaintiffs to the first defendant, which is arbitrary without notice and knowledge of the plaintiffs in violation of the Electricity Rules and Regulations and procedure contemplated under law.

5.It is not in dispute that in the Civil Proceedings, there is an order in the interlocutory application. In such circumstances for the very same relief, the petitioners cannot file a Writ Petition and they have to agitate the same before the Civil Court.

Accordingly, the Writ Petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

rpa

To

- 1 The Tamilnadu Electricity Board
rep. by its Chairman
No.800 Anna Salai
Chennai-600 002.
- 2 The Chief Engineer
Tamilnadu Electricity Board
No.800 Anna Salai, Chennai-600 002
- 3 The Superintending Engineer
Tamilnadu Electricity Board
No.800 Anna Salai, Chennai-600 002.
- 4 The Assistant Engineer
(Operation and Maintenance)
TANGEDCO (TNEB) EB office at MKN Road
Alandur, Chennai-600 016.

1 CC to Mr.P.Gunaraj, Advocate SR.No. 61725

1 CC to Mr.R.Amizhdu, Advocate SR.No. 61571

W.P. No.30944 of 2015

AR II (CO)

PSI (23.11.2015)