

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.19809 of 2014

and

M.P.No.1 of 2014

K.Amsaveni

.. Petitioner

Versus

1.The Executive Engineer,  
C&D, Tamil Nadu Generation and  
Distribution Corporation Limited (TANGEDCO)  
Palacode, Dharmapuri District.

2.The Assistant Executive Engineer,  
C&D, Tamil Nadu Generation and  
Distribution Corporation Limited (TANGEDCO)  
Karimangalam, Dharmapuri District.

3.The Assistant Engineer,  
C&D/Town/Tamil Nadu Generation and  
Distribution Corporation Limited (TANGEDCO)  
Karimangalam,  
Dharmapuri District-635 111.

4.K.Asaimani

.. Respondents

**Prayer:** This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of Certiorari, calling for the records from the third respondent relating to the impugned order passed by him in his proceeding in L.No:AE/C&E/TOWN/KARIMANGALAM/DIVISION.SEP/NO.129/ dated 11.07.2014, quash the same.

For Petitioner : Mr.V.J.Arulraj

For Respondents : Mr.M.Varunkumar (for R1 to R3)

Mr.R.Bharathkumar (for R4)

**ORDER**

Heard Mr.J.Prakasam, learned counsel appearing for the petitioner and Mr.M.Varunkumar, learned counsel appearing for the respondents 1 to 3 and Mr.R.Bharathkumar, learned counsel appearing for the fourth respondent, accepting notice on behalf of respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner has challenged the impugned proceedings by which documents have been called for by the third respondent with respect to the property to which Electricity Service Connection has been granted. The impugned notice has been issued at the instance of the fourth respondent, who is none other than the sister of the petitioner. The objection is that the petitioner had filed a suit in O.S.No.168 of 2012 before the District Munsif Court, Palacode, for declaration and for permanent injunction. The suit has been dismissed by judgment and decree dated 03.01.2014, as against which the petitioner has preferred an appeal before the Sub-Court, Dharmapuri in Appeal No.66/2014. In the meantime, since documents were called for, the petitioner apprehending that electricity

supply will be disconnected has rushed to this Court.

3. Even in the counter affidavit, the third respondent has stated that if appropriate orders are not produced from the lower Appellate Court, he may be constrained to take action. Since the appeal has already been filed, this Court is of the view that reasonable time may be granted to the petitioner to move for appropriate interim orders before the lower Appellate Court.

4. Accordingly, the petitioner is granted 30 days time from the date of receipt of a copy of this order to move the lower Appellate Court for interim protection, if the petitioner fails to obtain any interim orders, then, the third respondent is entitled to proceed further pursuant to the impugned order dated 11.07.2014, in accordance with their regulations.

5. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**29.03.2016**

vs/kpr

Index :Yes/No.

Internet:Yes/No.

**T.S.SIVAGNANAM, J.,**

vs/kpr

To

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